William T. Norman to be postmaster at Winnfield, La., in place of W. T. Norman. Incumbent's commission expires June 14, 1930.

MAINE

Charles E. Davis to be postmaster at Eastport, Me., in place of C. E. Davis. Incumbent's commission expired March 16, 1930.

MICHIGAN

Frank O. Parker to be postmaster at Alma, Mich., in place of F. O. Parker. Incumbent's commission expires June 23, 1930.

MINNESOTA

Emily M. Drexler to be postmaster at Brandon, Minn., in place of E. M. Drexler. Incumbent's commission expired March 11, 1930.

MISSOURI

Curtis N. Houston to be postmaster at Grain Valley, Mo., in place of R. C. Remley. Incumbent's commission expired December 18, 1929.

Fred M. Meinert to be postmaster at O'Fallon, Mo., in place of F. M. Meinert. Incumbent's commission expired April 3, 1930.

NEBRASKA

James A. Finnegan to be postmaster at Bartley Nebr., in place of L. M. Logan, resigned.

Marie A. Lybolt to be postmaster at Brunswick, Nebr., in place of M. A. Lybolt. Incumbent's commission expires June 3, 1930.

NEW MEXICO

Willie N. Brock to be postmaster at Mosquero, N. Mex., in place of L. H. Brock, deceased.

NEW YORK

George A. Hardy to be postmaster at Philadelphia, N. Y., in place of G. A. Hardy. Incumbent's commission expired January 29, 1930.

James F. Cooper to be postmaster at Stanley, N. Y., in place of J. F. Cooper. Incumbent's commission expires June 22, 1930.

NORTH CAROLINA

George E. Brantley to be postmaster at Mooresville, N. C., in place of G. E. Brantley. Incumbent's commission expires June 10, 1930.

NORTH DAKOTA

William E. Bowler to be postmaster at Noonan, N. Dak., in place of W. E. Bowler. Incumbent's commission expired March 25, 1930.

Irene R. Heglund to be postmaster at White Earth, N. Dak., in place of Frank Heglund, deceased.

OHIO

Harriet Rumbaugh to be postmaster at Alger, Ohio, in place of J. J. Rumbaugh, deceased.

PENNSYLVANIA

Lincoln W. Pentecost to be postmaster at Clarks Summit, Pa., in place of L. W. Pentecost. Incumbent's commission expires June 21, 1930.

John R. Jones to be postmaster at Conway, Pa., in place of J. R. Jones. Incumbent's commission expires June 22, 1930

Jennie Larkins to be postmaster at Ford City, Pa., in place of G. W. Larkins, deceased.

Joseph M. Hathaway to be postmaster at Rices Landing, Pa., in place of J. M. Hathaway. Incumbent's commission expired April 20, 1930.

Dan W. Weller to be postmaster at Somerset, Pa., in place of D. W. Weller. Incumbent's commission expired January 25, 1930.

Grace E. Strattan to be postmaster at Strattanville, Pa., in place of D. R. Whitehill, deceased.

SOUTH DAKOTA

Harry M. Bardon to be postmaster at Rockham, S. Dak., in place of H. M. Bardon. Incumbent's commission expired March 29, 1930.

Mary V. Breene to be postmaster at Seneca, S. Dak., in place of M. V. Breene. Incumbent's commission expired March 29, 1930.

TENNESSEE

Frank J. Nunn to be postmaster at Brownsville, Tenn., in place of F. J. Nunn. Incumbent's commission expires June 16, 1930.

TEXAS

John Thomman to be postmaster at Levelland, Tex., in place of John Thomman. Incumbent's commission expires June 30, 1930.

Jesse E. Meroney to be postmaster at Ranger, Tex., in place of J. E. Meroney. Incumbent's commission expired May 5, 1930.

Denison P. Greenwade to be postmaster at Rochester, Tex., in place of D. P. Greenwade. Incumbent's commission expired December 17, 1929.

VERMONT

William H. Startup to be postmaster at Proctor, Vt., in place of W. H. Startup. Incumbent's commission expired May 26, 1930.

VIRGINIA

Edward M. Blake to be postmaster at Kilmarnock, Va., in place of E. M. Blake. Incumbent's commission expired May 4, 1930.

WASHINGTON

William C. Black to be postmaster at Lowell, Wash., in place of W. C. Black. Incumbent's commission expires June 21, 1930.

WEST VIRGINIA

Archie N. Cook to be postmaster at Cameron, W. Va., in place of A. N. Cook. Incumbent's commission expires June 30, 1930.

HOUSE OF REPRESENTATIVES

TUESDAY, *June 3, 1930*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Merciful and Almighty God, in whom we have our being, we praise Thee that we live under the sovereignty of our personal Heavenly Father. Thou art the spiritual fountain by which the world will be cleansed; from Thee will come the spiritual flames by which human hearts shall be purified and redemption wrought. Across the lands will be heard the words of the Carpenter-Teacher: "I am come that they might have life, and that they might have it more abundantly." We thank Thee for Thy message and mission to the world. Because Thou hast given us this splendid land, because Thou hast dowered us with many gifts, and because Thou hast allowed us to live in this wonderful day, O lead us to work unsparingly for the Christian federation of the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 970. An act to amend section 6 of the act of May 28, 1896;

H. R. 1186. An act to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund;

H. R. 9123. An act for the relief of Francis Linker;

H. R. 9557. An act to create a body corporate by the name of the "Textile Foundation";

H. R. 9996. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10117. An act authorizing the payment of grazing fees to E. P. McManigal;

H. R. 10480. An act to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation;

H. R. 11228. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Rock River south of Moline, Ill.;

H. R. 11240. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at Pittsburgh, Allegheny County, Pa.;

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended;

H. R. 11435. An act granting the consent of Congress to the city of Rockford, Ill., to construct a bridge across the Rock River at Broadway, in the city of Rockford, Winnebago County, State of Illinois;

H. R. 12131. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.; and

H. J. Res. 282. Joint resolution authorizing the appointment of an envoy extraordinary and minister plenipotentiary to the Union of South Africa.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 937. An act for the relief of Nellie Hickey;

H. R. 7822. An act amending section 2 and repealing section 3 of the act approved February 24, 1925 (43 Stats. p. 964, ch. 301), entitled "An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation," and for other purposes.

H. R. 12302. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 251. Joint resolution to promote peace and to equalize the burdens and to minimize the profits of war.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 615. An act authorizing an appropriation for payment to the Uintah, White River, and Uncompahgre Bands of Ute Indians in the State of Utah for certain lands, and for other purposes;

S. 1251. An act for the relief of the Ayer & Lord Tie Co. (Inc.);

S. 1812. An act to authorize the collection of annual statistics relating to crime and to the defective, dependent, and delinquent classes;

S. 2010. An act for the relief of Clatsop County, Oreg.;

S. 2790. An act for the relief of D. B. Traxler;

S. 2854. An act for the relief of Mrs. A. K. Root;

S. 3054. An act to increase the salaries of certain postmasters of the first class;

S. 3122. An act authorizing Henry F. Koch, trustee, the Evansvills Chamber of Commerce, his legal representatives and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Evansville, Ind.;

S. 3409. An act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture;

S. 3551. An act for the relief of William J. Cocke;

S. 3594. An act authorizing appropriations for the construction and maintenance of improvements necessary for protection of the national forests from fire and for other purposes;

S. 4051. An act authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims;

S. 4307. An act to authorize the Commissioners of the District of Columbia to compromise and settle a certain suit at law resulting from the forfeiting of the contract of the Commercial Coal Co. with the District of Columbia in 1916;

S. 4325. An act to amend subchapter 5 of chapter 18 of the Code of Law for the District of Columbia by adding thereto a new section to be designated section 648–a;

S. 4358. An act to authorize transfer of funds from the general revenues of the District of Columbia to the revenues of the water department of said District, and to provide for transfer of jurisdiction over certain property to the Director of Public Buildings and Public Parks;

S. 4442. An act relating to suits for infringement of patents where the patentee is violating the antitrust laws;

S. 4551. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplemental thereto;

S. J. Res. 167. Joint resolution to clarify and amend an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927; and

S. J. Res. 171. Joint resolution to amend section 5 of the joint resolution relating to the National Memorial Commission, approved March 4, 1929.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12205) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors."

PERSONAL EXPLANATION

Mr. SANDERS of Texas. Mr. Speaker, on yesterday, when the vote was taken on the pension bill, the gentleman from Missouri [Mr. ROMJUE] was unavoidably absent. The gentleman asked me to secure a pair for him, and I mentioned it to the pair clerk, and he said he would arrange it. I notice in the RECORD this morning that the gentleman from Missouri [Mr. ROMJUE] is not paired, and I would like to state that had the gentleman from Missouri been present he would have voted "yea."

PENSIONS, SOLDIERS AND SAILORS OF REGULAR ARMY AND NAVY

Mr. NELSON of Wisconsin presented for printing a conference report on the bill (H. R. 12205) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H. R. 12205) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21.

That the Senate recede from its disagreement to the amendments of the House numbered 3, 7, 9, and 11, and agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out of the Senate engrossed amendment the following items:

(Page 4.) "The name of Martin Padgett, late of Captain Hardee's company, Florida Mounted Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

(Page 4.) "The name of Etta K. Martin, widow of George P. Martin, late of Company A, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month."

(Page 5.) "The name of Gus W. Peterson, late of Wagon Company, Twenty-sixth Quartermaster Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving."

(Page 11.) "The name of Josephine Nogle, widow of John A. Nogle, late of Company I, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 per month when it is shown that she has attained the age of 60 years."

(Page 12.) "The name of Robert Vaughn, late of Sixty-ninth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

(Page 16.) "The name of Kate Merritt Ramsay, widow of Martin McMahon Ramsay, late paymaster, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the language proposed in the Senate engrossed amendment insert the following:

(Page 3.) "The name of Victor Culberson, late of Captain Fleming's company, New Mexico Volunteers, and pay him a pension at the rate of $12 per month."

(Page 3.) "The name of Charles Watlington, alias Oscar D. Watlington, late of Capt. Jesse Thompson's Company K, First New Mexico Cavalry, and pay him a pension at the rate of $12 per month."

(Page 4.) "The name of Emma Knight, dependent mother of Ernest M. Knight, late of the United States Navy, and pay her a pension at the rate of $12 per month."

(Page 4.) "The name of Henry R. Ruther, late of the United States Navy, and pay him a pension at the rate of $12 per month."

(Page 5.) "The name of John A. Burke, late of Company A, Twenty-seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $6 per month."

(Page 6.) "The name of Thomas Woods, late of the Medical Department, United States Army, and pay him a pension at the rate of $12 per month."

(Page 6.) "The name of James H. Fisher, late of Capt. A. C. Smith's company, Oregon Militia, and pay him a pension at the rate of $6 per month."

(Page 6.) "The name of Carl O. Jinks, late of the Sixty-eighth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $6 per month."

(Page 7.) "The name of David N. Henderson, late of the United States Navy, and pay him a pension at the rate $17 per month."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

(Page 7.) "The name of Stephanie S. Murphy, widow of Theodore Rodes Murphy, late second lieutenant, United States Coast Artillery Corps, and pay her a pension at the rate of $12 per month and $2 per month additional for each minor child until 16 years of age."

(Page 9.) "The name of Andrew J. Dorak, late of Company D, Tenth United States Infantry, and pay him a pension at the rate of $12 per month."

(Page 9.) "The name of Jesse D. Walker, late of Capt. John A. Fairchild's company, California Volunteers, and pay him a pension at the rate of $12 per month."

(Page 9.) "The name of Julius A. Fuhrman, late of the United States Navy, and pay him a pension at the rate of $17 per month."

(Page 10.) "The name of George W. Fawcett, sr., late of Capt. Willis Coplans's Company A, Utah Volunteers, and pay him a pension at the rate of $12 per month."

(Page 10.) "The name of Jack Miller, assigned to detachment of Nez Perce Indian scouts, and pay him a pension at the rate of $12 per month."

(Page 11.) "The name of Cad W. Savage, late of the United States Navy, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

(Page 12.) "The name of Frank Brown, late of Company D, Third Regiment Wisconsin Infantry, National Guards, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving."

(Page 13.) "The name of James Henry McCoy, late of Company G, Second Regiment Idaho Militia, and pay him a pension at the rate of $6 per month."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

(Page 13.) "The name of Cynthia A. Smith, widow of George W. Smith, late of Company G, Second Regiment Idaho Volunteer Militia, and pay her a pension at the rate of $6 per month."

(Page 13.) "The name of Harry B. Arnold, late of the Bannock Indian War, and pay him a pension at the rate of $6 per month."

(Page 13.) "The name of Commodore Howell, late of Capt. Franklin McCarrie's Company G, Second Regiment Idaho Volunteer Militia, and pay him a pension at the rate of $6 per month."

(Page 13.) "The name of Robert N. McClure, late of Capt. Henry H. Spaulding and Capt. John Knifong's company, Washington Volunteers, and pay him a pension at the rate of $6 per month."

(Page 14.) "The name of Emma Jarvis McClean, widow of Walter McClean, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month."

(Page 14.) "The name of Nellie L. Fickett, widow of Fred W. Fickett, late of the Signal Corps, United States Army, and pay her a pension at the rate of $12 per month."

(Page 14.) "The name of John Pleas Rader, late of the Military Organization, Yakima, Wash., and pay him a pension at the rate of $6 per month."

(Page 16.) "The name of George P. Hamilton, late of Company B, First Cavalry, Iowa National Guards, and pay him a pension at the rate of $12 per month."

And the Senate agree to the same.

HAROLD KNUTSON,
W. F. KOPP,
JOHN C. BOX,
Managers on the part of the House.

ARTHUR R. ROBINSON,
PETER NORBECK,
B. K. WHEELER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on H. R. 12205 state that the Senate passed the bill, which originally contained 234 items from the House, with an addition of 121 Senate items, making a total of 355 items.

The Senate made amendments to the House bill, which included reduction of rates in 11 House bills, the raising of a rate in one bill, and one case was stricken from the bill and 4 rates which were reduced by the Senate were restored in conference.

The House conferees agreed to these amendments and reduced the rates in 26 Senate bills and struck out 6 items of the Senate bill.

The bill now contains 233 House items and 115 Senate items, making a total of 348 items, as recommended by the conferees.

HAROLD KNUTSON,
W. F. KOPP,
JOHN C. BOX,
Managers on the part of the House.

CONTESTED ELECTION—H. F. LAWRENCE *v.* J. L. MILLIGAN

Mr. PERKINS. Mr. Speaker, I present a resolution from the Committee on Elections No. 2.

The Clerk read the resolution, as follows:

House Resolution 235

Resolved, That Boude Crossett, county clerk of Clay County, Mo., be, and he is hereby ordered, by himself or by his deputy, to appear before the Committee on Elections No. 2 of the House of Representatives forthwith, then and there to testify before said committee in the contested-election case of H. F. Lawrence, contestant, against J. L. Milligan, contestee, now pending before said committee for investigation and report; and that said Crossett or his deputy bring with him the ballot box of Liberty North East precinct, Clay County, Mo., and all of the ballots contained therein, and all contents of the ballot box, and all papers in his possession which were used in said precinct at the general election held in the third congressional district of the State of Missouri on November 6, 1928. That said ballot box, ballots, and all contents of said box and papers in connection therewith, be brought to be examined and counted by and under the authority of said Committee on Elections No. 2 in said case, and to that end the proper subpœna be issued to the Sergeant at Arms of this House, commanding him to summon said Crossett or his deputy to appear with such ballot box, ballots, and all contents of said box and papers in connection therewith, as witness in said case; and that the expense of said witness and all other expenses under this resolution shall be paid out of the contingent fund of the House; and that the aforesaid expense be paid on the requisition of the chairman of said committee after the auditing and allowance thereof by said Committee on Elections No. 2.

The resolution was agreed to.

PERSONAL EXPLANATION

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed out of order for one-half minute.

The SPEAKER. Without objection, the gentleman from New York may proceed for one-half minute.

There was no objection.

Mr. FISH. On yesterday I was unavoidably absent during the vote on the Spanish War veterans' bill. If I had been present, I would have voted "yea."

Mr. CLAGUE. Mr. Speaker, my colleague, Mr. NOLAN, was unavoidably absent yesterday, and requested me to arrange a pair for him. I was unable to do so. If my colleague, Mr. NOLAN, had been present during the vote on the Spanish War veterans' bill, he would have voted "aye."

RATE OF PENSION TO SOLDIERS, SAILORS, AND MARINES OF THE CIVIL WAR

Mr. NELSON of Wisconsin. Mr. Speaker, I call up the conference report on the bill (H. R. 12013) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of

pensions in certain cases, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report on the bill H. R. 12013 and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12013) to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

JOHN M. NELSON,
RICHARD N. ELLIOTT,
RALPH F. LOZIER,
Managers on the part of the House.

ARTHUR R. ROBINSON,
PETER NORBECK,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House on the bill 12013 state by way of explanation that the amendment of the Senate, disagreed to, would have granted a $40 per month rate to all widows married between June 27, 1905, and June 27, 1910, when 70 years of age. The amendment would have the effect of granting a rate of pension to a comparatively small number and discriminating against all other widows who had not as yet attained the age of 70 years and married between June 27, 1905, and June 27, 1910. It also would discriminate against all widows who married prior to June 27, 1905, the date fixed in existing pension laws, and are now receiving $30 per month because they have not attained the age of 75 years, as under the provisions of the act of May 23, 1928, or who have not attained the age of 70 years as provided in section 3 of this act.

JOHN M. NELSON,
RICHARD N. ELLIOTT,
RALPH F. LOZIER,
Managers on the part of the House.

The conference report was agreed to.

PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF CIVIL WAR

Mr. NELSON of Wisconsin. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12302) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The gentleman from Wisconsin [Mr. NELSON] asks unanimous consent to take from the Speaker's table the bill H. R. 12302, with Senate amendments, and concur in the Senate amendments.

The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 52, after line 4, insert:

"The name of Gertrude F. Du Bois, widow of George S. Du Bois, late of Company I, Twenty-second Regiment New York Militia Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sarah F. Warren, widow of Charles W. Warren, late of Company K, Eleventh Regiment New Hampshire Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Marie Maynard, former widow of James Baty, late of Company A, Twenty-third Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary E. Haley, widow of James A. Haley, late of Company I, Thirtieth Regiment Maine Infantry, and pay her a pension at the rate of $30 per month.

"The name of Carrie Henger, widow of William Henger, late of Company B, Fifth Regiment United States Reserve Corps, Missouri Infantry, and pay her a pension at the rate of $30 per month.

"The name of Etta K. Martin, widow of George P. Martin, late of Company A, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Kathryn L. Hodge, widow of Horace Hodge, late unassigned, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month and $30 per month when it is shown that she has attained the age of 60 years.

"The name of Margaret Higgins, widow of Richard J. Higgins, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hannah Drew, widow of Samuel H. Drew, late of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Sadie M. Waitman, former widow of Amos Buck, late of Company I, Ninth Regiment Ohio Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Minnie R. Commons, widow of James H. Commons, late of Company L, First Regiment New York Engineers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Margaret Campion, widow of Michael Campion, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Lyde J. Jones, widow of Thomas J. Jones, late of Company C, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Josephine Nogle, widow of John A. Nogle, late of Company I, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month, and $30 per month when it is shown that she has attained the age of 60 years.

"The name of Sarah L. Mosbarger, widow of John A. Mosbarger, late of Company G, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Johnson, widow of Robert Johnson, late of Company I, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Christopher Lewis, late of Captain Shadrach Coomb's Company D, Three Forks Battalion, Kentucky State Guard, and pay him a pension at the rate of $50 per month.

"The name of Rose Murry, widow of Daniel Murry, late of the United States Military Telegraph Corps, Civil War, and pay her a pension at the rate of $30 per month.

"The name of Nellie E. Smith, widow of William R. Smith, late of Battery F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Rhoda Brandenburg, widow of Mathias C. Brandenburg, late of Company I, One hundred and first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Edna L. Jackson, widow of John W. Jackson, late of Company F, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Sarah A. Garver, widow of William L. Garver, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Carrie Bell, widow of John R. Bell, late of Company E, First Regiment New York Engineers, and pay her a pension at the rate of $30 per month.

"The name of Clara E. Chace, former widow of Phineas Franklin Halyburton, late of Company H, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Columbia A. Dumrie, widow of Andrew L. Dumrie, late of Company L, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Emma Bascom, widow of Nathan L. Bascom, late of Company D, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Mary A. Daniel, helpless child of James C. Daniel, late of Troop I, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth Leonard, widow of George H. Leonard, late of Company F, Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Philena Marshall, widow of Alexander Marshall, late of Company A, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Julia Ann Rohrbaugh, widow of John W. Rohrbaugh, late of Company F, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Minnie Durbin, widow of Edwin F. Durbin, late of Troop C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Emily D. Hennegin, widow of Peter Hennegin, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Nannie Brown, widow of Arthur K. Brown, late of the United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Delia Myers, widow of Charles Myers, late of Company I, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Daniel H. Macuin, helpless child of Daniel H. Macuin, late of Company C, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Viola B. Buskirk, widow of Thomas B. Buskirk, late of Company G, Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Harry L. Abbott, helpless child of James E. Abbott, late of Company F, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Frances F. Godown, widow of John M. Godown, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Catherine Wirth, widow of Charles Wirth, late of the Thirty-second Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Hattie J. Beecher, widow of Lina Beecher, late of Troop A, Third Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Sarah Smith, widow of Nicholas Smith, late of Troop F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of George W. Bryant, late of Company B, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Mary E. Larimer, widow of Robert C. Larimer, late of Company B, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

"The name of Minnie A. Wassman, widow of George P. Wassman, alias Peter Wassman, late of Company I, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month."

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

EXEMPTION OF TREASURY BILLS FROM TAXATION

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12440) providing certain exemptions from taxation for Treasury bills.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent for the present consideration of the bill H. R. 12440, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the second Liberty bond act, as amended (Public, No. 11, 71st Cong., June 17, 1929), is amended by adding at the end thereof a new subdivision to read as follows:

"(d) Any gain from the sale or other disposition of Treasury bills issued hereunder (after the date upon which this subdivision becomes law) shall be exempt from all taxation (except estate or inheritance taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority; and no loss from the sale or other disposition of such Treasury bills shall be allowed as a deduction, or otherwise recognized, for the purposes of any tax now or hereafter imposed by the United States or any of its possessions."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think there should be some explanation of this bill, as to its purport.

Mr. HAWLEY. Mr. Speaker, about a year ago a law was enacted providing for the issuance of a short-term Government security to be known as a Treasury bill, which should be sold at a discount par.

Under that authorization there have been four issues of Treasury bills. These issues have come up to expectations and have been successful in the sense that the Treasury obtained money at reasonably low rates and that the Treasury bill enabled the Treasury as a practical matter to borrow money when actually needed, instead of, as the Treasury had been accustomed to do before it had this new instrument, on the quarterly tax payment dates.

Gains from the sale or other disposition of Treasury bills are subject to income tax at the present time, and losses therefrom are deductible. But, in order to ascertain capital gains or losses, as differentiated from the discount received on these Treasury bills, it is necessary that those dealing in the securities keep a complicated system of bookkeeping records, resulting in such an enormous amount of detail that a very real sales resistance has developed.

Although gains from the sale or other disposition of Treasury bills are subject to income tax, little or no revenue is to be anticipated therefrom, because unless the Treasury bill during its brief existence should happen to pass through the hands of men whose income is taxed at different rates, the gains and losses during the course of the 90 days will offset each other, with the result that so far as the Government is concerned there is no capital gain or loss. Moreover, the maturity is so short and fluctuations are likely to move within such a narrow range that the amount involved on account of capital gains and losses is inconsequential.

On the last issue of Treasury bills there were no less than 17 different rates of discount, representing the difference in competitive bids that were accepted. In other words, on one issue of Treasury bills there were 17 different rates of discount. The dealer who acquires those bills can not treat them as one issue. In order to arrive at the capital gain or loss, he must take each lot of Treasury bills sold at a particular discount rate and open an account for that particular lot, showing the price at which originally sold by the United States, the price paid by him for the bill, what he sold it for, and what the accrued discount is for the period during which he held the security.

The difficulty in keeping an account for every separate discount rate on these Treasury bills is so great that the sale of these bills has been materially hindered. The purchasers were very much pleased with them when they had money to invest for short terms, but with the additional work of keeping books on every issue and possibly on every bill, with varying discounts, they are not now so salable.

Mr. STAFFORD. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. STAFFORD. I understand that the difficulty which it is sought to obviate by this bill is that when the Treasury bills are resold the original purchasers will be relieved of the necessity of keeping a close accounting on the varying prices which have been received on the resale of these Treasury notes.

Mr. HAWLEY. Yes; and the differences in discount are very small.

Mr. GARNER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER. In order that the gentleman from Wisconsin and the gentleman from New York—who I know are interested in this matter—may understand the situation, I will say that I opposed the original bill before the committee but after a thorough investigation I withdrew my opposition to it, and we passed it in the House of Representatives just as it is in this bill, the original bill authorizing the issuance of these Treasury notes. The bill went over to the Senate and Senator COUZENS challenged the situation and thought the precedent ought not to be made of exempting any character of capital gains, and in that I am in thorough accord. That principle ought not to be invoked if it can possibly be helped. But after a thorough investigation by Senator COUZENS and Senator REED, of Pennsylvania—both of whom opposed the principle of exempting capital gains—they withdrew their objection, and I read a letter into the hearing in which Senator COUZENS withdrew his opposition, after a thorough investigation of the matter. I make that explanation so that these gentlemen may understand the reason for this particular bill at this time.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. LAGUARDIA. Whether you call it a capital gain or profit makes no difference. The operation is the same as any other stock operation or bond operation. The purchasers bid for these Treasury bills in large quantities. They bid for the purpose of resale. They offer a discount rate and then place these same bills on the market, and that is not a capital gain; that is a profit. I see no reason why they should be exempt any more than if you go out and buy any other security for the purpose of reselling.

Mr. GARNER. There is one additional reason. There is a great school in this country which believes that it is for the best interests of the Government not to collect any tax on

profits made out of Government securities. I think it can be demonstrated conclusively that during the war the greatest benefit this Government got out of the bond issues was that those bond issues did not bear a tax. I think that matter is demonstrated in the Treasury Department beyond question.

Mr. LAGUARDIA. Will the tax-exempt feature of these bills bring a higher rate to the Government?

Mr. GARNER. It will. Let me say to the gentleman that the testimony before the committee by Undersecretary Mills was that one of the largest houses in this country that handles this character of paper for reselling declined to make a bid the last time, stating they were through; that they would not keep these books and that it was not worth it.

Mr. LAGUARDIA. The assurance is it will bring a lower discount rate and a higher rate to the Government.

Mr. GARNER. I do not think the Government will lose one nickel by reason of this.

Mr. HAWLEY. As a matter of fact, it will make the bills more salable.

Mr. HOWARD. Mr. Speaker, I have not had an opportunity to study this matter, and for the present I shall have to object.

Mr. COCHRAN of Missouri. Does this measure refer to Treasury certificates?

Mr. HAWLEY. Treasury bills.

Mr. COCHRAN of Missouri. Which are similar to certificates?

Mr. HAWLEY. They are a different kind of issue.

The SPEAKER. Objection is heard.

EXTENDING TIME FOR THE ASSESSMENT, REFUND, AND CREDIT OF INCOME TAXES FOR 1927 AND 1928

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 340, extending the time for the assessment, refund, and credit of income taxes for 1927 and 1928, in the case of married individuals having community income.

The SPEAKER. The gentleman from Oregon asks unanimous consent for the present consideration of a House joint resolution which the Clerk will report.

The Clerk read the resolution, as follows:

Resolved, etc., That the 3-year period of limitation provided in section 277 of the revenue act of 1926 upon the assessment of income taxes imposed by that act for the taxable year 1927, and the 3-year period of limitation provided in section 284 of the revenue act of 1926 in respect of refunds and credits of income taxes imposed by that act for the taxable year 1927 shall be extended for a period of one year in the case of any married individual where such individual or his or her spouse filed a separate income-tax return for such taxable year and included therein income which under the laws of the State upon receipt became community property.

SEC. 2. The 2-year period of limitation provided in section 275 of the revenue act of 1928 upon the assessment of income taxes imposed by Title I of that act for the taxable year 1928, and the 2-year period of limitation provided in section 322 of the revenue act of 1928 in respect of refunds and credits of income taxes imposed by that act for the taxable year 1928 shall be extended for a period of one year in the case of any married individual where such individual or his or her spouse filed a separate income-tax return for such taxable year and included therein income which under the laws of the State upon receipt became community property.

SEC. 3. The periods of limitations extended by this joint resolution shall, as so extended, be considered to be provided in sections 277 and 284 of the revenue act of 1926 and sections 275 and 322 of the revenue act of 1928, respectively.

SEC. 4. Nothing herein shall be construed as extending any period of limitation which has expired before the enactment of this joint resolution.

The SPEAKER. Is there objection?

Mr. PATTERSON. Mr. Speaker, reserving the right to object, I would like to have the resolution explained.

Mr. HAWLEY. Several of the States of the Union have what are called community property laws, and all of the property or profits accruing to married persons after the marriage are divided equally between the two. Under the law, if the community property law of a State is held valid by the court, the husband reports his proportion and the wife reports her proportion. The community property laws of some of the States have been attacked, and there is a suit now pending in the Supreme Court to determine the validity of such laws. Before that court can render its decision in all probability the time in which the United States can levy additional assessments, grant refunds, or give credits will expire. If they proceed at once against the people, about 110,000 sixty-day letters would be issued, and all persons whose income-tax returns are now in question will have to make a further return and pay into the Government considerable amounts of money. The bill simply proposes to extend the time one year in which both the Government and the individuals can act. It affects about $50,000,000 of income, but it does not lose any money to the Government. The final action of the Government will depend upon the decision of the Supreme Court. As I stated, the only effect of the bill is to give the Government and the individuals an additional year for the purpose of awaiting the decision of the Supreme Court, so that when action is taken it will be known exactly what the law is.

Mr. GARNER. Mr. Speaker, will the gentleman yield a moment?

Mr. HAWLEY. I yield to the gentleman.

Mr. GARNER. I happen to represent, in part, one of the States involved in this transaction, probably the largest tax-paying State of the seven. In 1927, when we passed the internal revenue act, there was quite a contest, and you will recall section 1212, in which we undertook to settle the back taxes of these community estates. There was some objection to it and we finally compromised by an agreement, in substance, between the Treasury Department and the representatives of these five or seven States—Texas, Louisiana, Oregon, Washington, and other Western States. We entered into an agreement that we would take the cases from these various States into the Federal courts and on through to the Supreme Court as quickly as possible to determine the legal question involved. Suits were instituted. I have in mind particularly the one that was instituted in Texas at Fort Worth. The court held that in Texas they had the right to make a separate return; that is, Mrs. Garner and myself, for instance, had the right to make a separate return under the Constitution. The Government appealed the case and it went to the Fifth Circuit Court of Appeals and the court there sustained the district court. It is now pending in the Supreme Court and is set down for argument on October 20 of this year.

The statute of limitations will begin to run against the Government in favor of the people of Texas on March 15 next for 1927, because we had a 3-year limitation then, and on March 15, as to 1928, because we have now only a 2-year limitation.

So we must either pass this bill or the Treasury Department will be compelled to notify every taxpayer in all these seven States by one of their 60-day letters that these taxes are due for 1927 and 1928, and they will have to do this about the first of next January or February.

Mr. PATTERSON. As I understand the gentleman, this in no way extends the privileges with respect to tax refunds, or anything of that kind.

Mr. GARNER. Oh, no; there is nothing involved here except extending the time in which these particular questions may be adjudicated.

Mr. PATTERSON. I shall not object.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. CHINDBLOM. I want to say that this case is exceptional and different from the large mass of cases in which we are very often requested to waive or extend the statute of limitations. This is a case where the rights of citizens under the laws of the States are involved; where the Federal Government sets up one claim and the citizens of five States set up other claims based upon their own constitutions and, in addition, when the matter was before the committee, it was understood, and it has been understood all the time subsequently, that the eventual determination of the matter would depend upon the conclusion of the suits pending in the Supreme Court of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EXEMPTION OF TREASURY BILLS FROM TAXATION

Mr. HAWLEY, from the Committee on Ways and Means, withdrew the report (Rept. No. 1609) on the bill (H. R. 12440) providing certain exemptions from taxation for Treasury bills and filed a new report thereon (Rept. No. 1759), which was referred to the Union Calendar and ordered printed.

CLAIMS OF THE ASSINIBOINE INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 167) to clarify and amend an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. This day was set aside for the Judiciary Committee to consider certain bills. If this program is to be continued all day we will not get the time which the rule gives us.

The SPEAKER. It has been represented to the Chair with respect to all these bills that an emergency exists, and that is the reason the Chair has recognized the gentleman.

Mr. MICHENER. I do not like to object, but notice has been given that these matters would come up to-day.

Mr. LAGUARDIA. The day has not been set aside, because the rule has not been adopted.

Mr. MICHENER. No; but that is the general understanding.

Mr. O'CONNOR of New York. The rule itself provides that it is not to interfere with privileged business.

The SPEAKER. The rule has not been adopted.

The gentleman from Montana asks unanimous consent for the present consideration of the Senate joint resolution (S. J. Res. 167), which the Clerk will report. The Chair understands a similar House joint resolution is on the calendar.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That in any action pending or hereafter brought under the provisions of an act entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," approved March 2, 1927, jurisdiction is hereby conferred upon the courts therein named and in the manner therein defined to hear, examine, adjudicate, and render judgment for any damages resulting from the appropriation by the United States to its own use or to the use of any other Indian tribe by the treaty of October 17, 1855 (11 Stat. 657), between the Government of the United States and the Blackfeet Nation and other Indian nations therein specified, and/or the act of Congress of April 15, 1874 (18 Stat. 28), of any land, title to the occupancy and use of which was in the said Assiniboine Indian Nation by immemorial possession and the rights or claims to which land the last paragraph of Article V of the treaty of Fort Laramie of September 17, 1851, expressly provided, the Assiniboine Nation did not abandon or prejudice; and if the said courts shall find that any such lands of the said Indians were so appropriated, they shall award damages for the land so appropriated as provided in the said act of March 2, 1927: *Provided, however*, That if the courts shall award damages for land appropriated by the said treaty of 1855 and/or the said act of Congress of 1874, the United States shall be allowed credit for any sum or sums paid the Assiniboine Indian Nation under the act of Congress of May 1, 1888.

Mr. GARNER. Reserving the right to object, what committee does this come from?

Mr. LEAVITT. From the Committee on Indian Affairs, with a unanimous report.

Mr. GARNER. We defeated a bill yesterday, with a unanimous report from the Committee on Indian Affairs. It looks to me as if the Indian Committee would really give the Capitol to the Indians if they wished it. I hope this bill does not involve the title to this building. [Laughter.]

Mr. LAGUARDIA. We could afford to give every Indian in the country a thousand dollars annuity and make money on it.

Mr. GARNER. I do not doubt it. I will ask the gentleman from New York if this bill is riveting that situation?

Mr. LAGUARDIA. Oh, no; of course not.

Mr. STAFFORD. May I ask the gentleman what possible charge may be imposed on the Treasury if we refer this to the Court of Claims for adjudication?

Mr. LEAVITT. The situation making the bill an emergency is this: In 1927 Congress allowed the Indians to take the case into the Court of Claims to adjudicate whatever claims they might legitimately have against the Government. A few weeks ago the Supreme Court, in connection with an entirely different case, rendered a decision which makes it doubtful whether the Court of Claims will have the authority to consider all the claims of these Indians that this Congress, when it enacted the act of 1927, intended should be adjudicated. This bill merely clarifies that situation and authorizes the Court of Claims to adjudicate all of the claims, including reference to a million or so acres of land that has been held by immemorial possession by these Indians. It is only to give the court power under the existing act to consider all of the claims—it simply clarifies the situation and makes it plain.

Mr. STAFFORD. But will the gentleman answer my question? What possible amount may be charged against the Treasury if an unfavorable decision is rendered by the Court of Claims?

Mr. LEAVITT. The gentleman means an unfavorable decision against the Government? It might amount to several hundred thousand dollars, but that would depend on the value put by the court upon the land.

Mr. STAFFORD. The bill purports to carry out the intention of Congress in the act that was passed in 1927?

Mr. LEAVITT. Yes; it merely clarifies that situation.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MORTON D. HULL. Who are the holders of these claims—are they white men or are they Indians? In other words, will the recovery go to the Indians or to some claim agents?

Mr. LEAVITT. It will go under the law into the tribal fund of the Indians to be disposed of by Congress.

Mr. HASTINGS. There ought not to be an objection to an Indian claim being referred to the Court of Claims for adjudication.

Mr. STAFFORD. Provided it is not 150 or 200 years old.

Mr. HASTINGS. If it is old, it is the Government's fault, and we ought to be ashamed of it.

Mr. STAFFORD. There are claim attorneys always looking out to get their hands into the public crib.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill was laid on the table.

AMERICAN VERSUS FOREIGN PRODUCERS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House.

Mr. PURNELL. Mr. Speaker, I shall have to object to any further requests for time.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, at a national gathering held in this city recently several speakers dwelt upon the necessity of retaining our foreign markets and of adjusting domestic conditions to permit of our doing so. It was frankly stated that our production costs must be reduced, and our standards of living must come down. The best way to bring this about would be through the defeat of all attempts to raise the import duties as proposed in the pending tariff measure.

Mr. Speaker, many of us have for a long time been curious to know the source of the smoke screens and barrages that have been laid down on the Hawley-Smoot tariff bill, but it is no longer a secret. In the Washington Star for May 18 Mark Sullivan has a very illuminating article on the subject. It seems that about the time the tariff measure passed the House the national chairman of the Democratic committee engaged the services of the cleverest Washington newspaper man to be found, placed a large sum of money at his disposal, and told him to "go to it." At first glance one would draw the conclusion that politics was the motive behind the arrangement, but a further study of it places politics in a secondary place. This is the how of it. The chairman of the National Democratic Committee is one of the biggest stockholders in General Motors. General Motors owns and operates large automobile factories in Germany, and in order to bring their products into the United States they must have low import duties. Henry Ford, another opponent of the pending tariff bill, is also opposed to the tariff and for the same reason. He manufactures all his tractors and many of his automobiles at Cork, Irish Free State. He also wants to bring the products of his Irish factories duty free into the United States. General Electric also have big investments abroad, and they are for lower rates on manufactured products. The same is true of the big packers who own and operate packing plants in Argentina. They feel that the Hawley rates on meats and poultry products are outrageously high. Americans owning and operating shoe factories in Czechoslovakia cry out aloud against the 20 per cent compensatory duty proposed to be levied on shoes. They care not that many shoe factories in New England are closed down with tens of thousands of workers out of employment, nor that 50,000 men are walking the streets of Detroit looking for work, most of whom had employment in the automobile industry before the automobile manufacturers moved their plants to Europe. So the whole sordid, sorry story runs endlessly.

Big business is fighting the Hawley bill. There is Mr. Sloan, president of General Motors, and Henry Ford, who want to bring foreign-made automobiles and tractors into the American market. And there is Edward A. Filene, of Boston, merchant and recognized leader in the International Chamber of Commerce; Dr. Max Winkler, of Berton, Griscom & Co., foreign bankers, of New York; Robert H. Bean, executive head of the

American Acceptance Corporation, dealers in domestic and foreign securities; T. N. Haight, secretary-treasurer International General Electric Co.; J. S. Cullinan, prominent oil man, of Houston, Tex., a member of the Foreign Trade Council; Hugh A. Holmes, chairman and treasurer American Manufacturers' Association, of New York. The National City Bank of New York is also bitterly opposed to the Hawley bill. The National City Co. owns and operates large sugar plantations and refineries in Cuba, and naturally wants low rates on sugar. It was this same crowd that ran the price of sugar to the American people up to 28 cents a pound some years ago, at a time when they had us at their mercy because the American sugar growers had been put out of business by the low rates carried in the Underwood free trade act of 1913. To-day the rates on sugar are $1.76 per hundred on Cuban sugar and $2.20 per hundred on sugar from other countries, yet we are buying 20 pounds of sugar for $1, which is as cheap as it has been at any time in my memory. Big business wants free and unrestricted commerce between nations. They want to manufacture in the cheap markets and sell in our market, and let us not make any mistake about that.

In the consideration of the tariff it will be well to ever bear in mind that American industries have now invested in factory plants in Germany, Great Britain, Irish Free State, Cuba, France, Belgium, Czechoslovakia, and Italy nearly three thousand million dollars. They prefer to operate in Europe where wages are low, raw material cheap, and hours of labor long; but they also want to retain the American market, and the only way in which this can be done is through low tariffs.

Now, then, we understand the powerful influences that are opposed to the rates carried on manufactured products in the Hawley bill. But how to stir up agriculture against the one tariff bill that has treated the farmer equitably. That was a hard nut to crack, but the clever newspaper man already referred to was equal to the job. Raise the cry that agriculture had not been placed on a parity with industry—that while the farmer was given certain increases such increases were more than offset by the increases made in the things he has to buy.

Farm organizations were enlisted in the fight; so was the metropolitan press. With this powerful backing the American who prefers to manufacture his goods abroad with cheap foreign labor, working long hours, found working for him the very interests whom he would destroy. Misinformation and misrepresentation were the weapons used and many who would be ruined by a lowering of import rates enlisted in the fight against their own welfare. Right here I want to say that representatives of labor never fell for the scheme for a moment. They realized that if the plan to break down the industrial rates were to succeed, it would mean the closing of our factories and leave us a Nation in idleness. Not only would the great American market be thrown open to the factory workers of the wide world but also to the peasant farmer of Europe and Asia, as well as to South America and Australia. That would bring the entire social and economic structure down upon our heads and chaos and ruin would result.

It has been charged in both Houses of Congress, in the press, and on platforms, that the Hawley bill would add $1,000,000,000 to the living cost of our people. Mr. Speaker, that is as false as anything can be. The United States Tariff Commission in its analysis of the tariff, issued on May 24 of this year, gives the increase at $106,426,769—or less than $1 per capita—and of that increase $72,181,314 goes on agricultural raw materials and the compensatory part of the duties on industrial products made from such raw materials. Does not this prove conclusively my charge that the fight made against the industrial rates in the Hawley bill has been premised on misrepresentation and misinformation?

It is estimated that some 3,000,000 Americans are out of work. The factories where they were formerly employed have been moved to Europe and their jobs have been filled with cheaper labor in foreign lands. Last year our imports amounted to nearly $5,000,000,000, only 36 per cent of which paid import duties. From Canada alone we imported $490,000,000, mostly agricultural products, and we collected duties on only $114,000,000. If these enormous importations could be materially reduced and the goods that we have been bringing in manufactured in this country, do you not believe it would go a long way toward solving our unemployment problem, which is very serious?

Agricultural organizations are not agreed on the pending tariff bill. In April the American Farm Bureau Federation issued from its Chicago office a statement to the effect that this bill did more for agriculture than any previous tariff bill, but a short time ago several farm organizations in Minnesota passed resolutions denouncing the Hawley bill and asking that the Minnesota delegation vote against its enactment. Were I to follow this suggestion it would not be to the best interests of the American farmer, and I will prove it by some more figures contained in the Tariff Commission's statement. In order that there may be no misunderstanding, I will quote directly from the statement the actual or computed rates of total duties as figured by the commission. I quote:

> Total for agricultural raw materials, 38.10 per cent in the act of 1922, and 48.92 per cent in the pending tariff bill; total for industrial products made from agricultural raw materials and having compensatory duties for the duties on such materials, 36.15 per cent, act of 1922, and 48.87 per cent, pending tariff bill; industrial products from other sources, 31.02 per cent, act of 1922, and 34.31 per cent pending tariff bill. The grand total for agricultural and industrial products is calculated at 33.99 per cent, act of 1922, and 40.91 per cent, pending tariff bill.

We should bear in mind that a tariff bill contains approximately 28,000 items, so it is to be expected that there will be some inequalities and injustices. That was our reason for inserting the flexible clause, which would give to the President power to make adjustments up to 50 per cent of the rate carried on any one or more items in the bill. The President may raise or lower the rates by 50 per cent, and when the law goes into effect he will adjust such inequalities as may now exist and we will have a nearly perfect bill. If he finds that any rates are too high, he will lower them, and vice versa.

Let us not forget that the tariff is very much a local issue. Each Senator and Representative works to secure favorable rates for his constituency. The representatives of agricultural districts have fought for high rates on farm products and in some instances we have found representatives of large cities fighting against such agricultural rates. They, in turn, have fought for high industrial rates, some of which we have fought against.

In the final analysis most of the rates in this bill are the result of compromise, and I have not the least hesitancy in saying that agriculture has fared much better in the Hawley-Smoot bill than in any of its predecessors.

I well recall the intense fight made against the McKinley bill in 1889; against the Dingley bill in 1897; against the Payne-Aldrich bill in 1909; and against the Fordney-McCumber bill in 1922. The attacks were not directed so much against the measures in themselves as against the principle of protection. We have heard much about the high industrial rates carried in this bill, but all such attacks, with but very few exceptions, are general and not specific.

It will be well for the friends of agriculture to bear in mind that such industrial rates as are objected to are on items which the farmer buys only occasionally, while they have very high rates on the products of the farm which they sell every day in the year. That is something which so many evidently overlook.

The Hawley-Smoot bill is the first tariff measure in the history of the Republic to do justice to the farmer, and yet some of the farm organizations ask me to vote against it. Under no consideration will I follow a path that will lead to the lowering of the bars which the American producer needs to protect himself against the competition of pauper labor in other lands. When I was sworn in as a Member of this body I pledged myself to uphold the Constitution of the United States, and to me that means to look after the best interests of the American producer, whether he works on the farm, in factory, in store, in shop, or in office.

Available statistics give some interesting information on wages and manufacturing costs in this and in other countries. In 1913 wages reduced to dollars in the principal European countries differed 26 per cent, while in the United States they were 42 per cent higher than in the lowest European countries. In 1929 wages in the same European countries differed 86 per cent, while in the United States they were 240 per cent higher than in the lowest European country. In 1929 wages in the United States were three and one-half times higher than the wages in Belgium. In 1929 American wages were 83 per cent higher than British wages, while in Japan, from which country we import a considerable volume, wages are only one-twelfth as high as they are in this country.

We enjoy the highest and best living conditions of any people on earth, and I do not want to see the level lowered, even though it would be of immense benefit to American industrialists who invest in other lands the earnings they have made in this country. They may be internationalists, but I am not; I am for America first, last, and all the time.

In closing let me call to the attention of my hearers that the census just taken shows a big shrinkage in the rural population. A new congressional reapportionment will be had next year and the agricultural States will lose from 15 to 22 Representatives

in the House. This loss in representation will go to the cities. It therefore follows that we will never have a better chance to get a tariff bill that is fair to agriculture. Let me remind you that there is a great deal of opposition to the agricultural schedule of the tariff bill in the large consuming centers. Representative LAGUARDIA, of New York, and Representative NORTON, of New Jersey, have criticized the measure most severely on the ground that it will unduly increase the cost of living in the cities without giving corresponding benefits to their industries. If the contention of Representatives LAGUARDIA and NORTON is well founded, it would be doubtful if we will ever again be able to get such favorable rates for agriculture as are carried in the pending tariff measure. My friends, think this over.

I herewith append a few of the agricultural rates carried in the Hawley-Smoot bill, which will give a fair idea of what the measure proposes to do for agriculture.

Comparison of agricultural rates

	Underwood Act, 1913 (Democratic)	Fordney-McCumber Act, 1922 (Republican)	Hawley-Smoot bill, 1930 (Republican)
Butter	2½ cents per pound.	8 cents per pound	14 cents per pound.
Oleo and butter substitutes.	20 per cent	do	Do.
Cream	Free	20 cents per gallon (increased by Coolidge to 30 cents per gallon.)	56.6 cents per gallon.
Milk	do	2½ cents per gallon	6½ cents per gallon.
Cheese and substitutes.	do	5 cents per pound	8 cents per pound.
Honey	10 cents per gallon	3 cents per pound	3 cents per pound.
Potatoes	Free	50 cents per 100 pounds.	75 cents per 100 pounds.
Beans, dried	25 cents per bushel	1¾ cents per pound	3 cents per pound.
Eggs:			
Fresh	Free	8 cents per dozen	10 cents per dozen.
Dried	10 cents per pound	18 cents per pound	18 cents per pound.
Poultry:			
Live	1 cent per pound	3 cents per pound	8 cents per pound.
Dressed	do	6 cents per pound	10 cents per pound.
Lard	Free	1 cent per pound	3 cents per pound.
Lard substitutes	do	4 cents per pound	5 cents per pound.
Bacon and ham	do	2 cents per pound	3½ cents per pound.
Pork	do	do	2½ cents per pound.
Swine	do	½ cent per pound	2 cents per pound.
Beef and veal	do	3 cents per pound	6 cents per pound.
Cattle:			
Weighing less than 700 pounds.	do	1½ cents per pound (weighing less than 1,050 pounds).	2½ cents per pound.
Weighing more than 700 pounds.	do	2 cents per pound (weighing more than 1,050 pounds).	3 cents per pound.
Sheep	do	$2 per head	$3 per head.
Mutton	do	2½ cents per pound	5 cents per pound.
Wool, scoured	do	31 cents per pound	37 cents per pound
Alfalfa seed	do	4 cents per pound	8 cents per pound.
Sweet-clover seed	do	2 cents per pound	4 cents per pound.
Red-clover seed	do	4 cents per pound	8 cents per pound.
Buckwheat	do	10 cents per 100 pounds.	25 cents per 100 pounds.

The State of Iowa lies just to the south of the great State of Minnesota, which I am proud to call my home. Like Minnesota, Iowa is a great agricultural State. On yesterday the people of Iowa held their primaries and the tariff was the issue. Congressman L. J. DICKINSON, one of the candidates for the nomination of United States Senator, voted for the Hawley-Smoot bill a year ago and on that record went before the voters. The Governor of Iowa was another candidate. He is opposed to the tariff. Evidently the people of Iowa believe in protection as against free trade, for they nominated Mr. DICKINSON by a 2-to-1 vote. [Applause.] But then the minds of the people of Iowa have not been poisoned by a lot of false propaganda against the tariff, which again justifies my contention that the American people are entitled to the truth about the Hawley bill, and not a lot of falsehoods put out by a group of selfish American industrialists who operate abroad. [Applause.]

The pending tariff bill is not only good for agriculture but for labor. The labor organizations of the country are intensely interested in maintaining American standards of living, and they have expressed apprehension over the long delay in enacting the measure.

On June 2 I received a communication from Matthew Woll, president of the American Wage Earners' Protective Conference, urging the immediate passage of the measure, and calling attention to the insidious campaign that has been carried on against the Hawley-Smoot bill by American industrialists who own and operate large manufacturing plants abroad. Mr. Woll is also first vice president of the American Federation of Labor and the American laboring man has no better friend than he. His views should carry much weight with Congress and the country at large. Mr. Woll's letter follows:

AMERICA'S WAGE EARNERS' PROTECTIVE CONFERENCE,
New York City, June 2, 1930.

To the Members of the Congress.

HONORABLE SIRS: The protest of Henry Ford against the passage of the pending tariff bill can not go unchallenged. The organized workers view with apprehension the statements of employers in some lines attacking tariff legislation which is needed for the protection of the workers. American labor is closely scrutinizing these declarations to learn the possible motives which underlie these attacks.

American workers view with some suspicion the attacks made upon the tariff measure which had its inception in the promise of both political parties to adopt legislation which would adequately protect American labor. We look upon the protests of those Americans who own large factories in foreign countries as an effort to obtain favorable newspaper comment in the foreign and American press, having the effect of so much advertising, and those interviewed seeking to ingratiate themselves with the foreign governments and peoples.

Evidences of this type of activity on the part of persons interested in foreign commerce were given during the hearings on the tariff bill before the committees of Congress, particularly in the case of automobiles, yet extending into other lines of production. The establishment by Ford of a tractor plant in Cork, Ireland, and the manufacturing of tractors abroad for shipment to the United States was discussed at the hearings. Nothing was said at that time of the intention of Henry Ford to produce tractors in Cork at a cost of less than 60 per cent of what the cost would be in America and to close down his American tractor plants.

Possibly the public are not aware of the fact that Ford, through a ruling of the Treasury Department that tractors are agricultural implements, secures the entry of these tractors and tractor parts, produced by foreign workers, without the payment of any tariff duty. In addition to the importation of tractors and tractor parts, Ford is also a large importer of other commodities which enter into the making of automobiles.

The international bankers and importers, partially through their desire to further their selfish interests and partially to cater to the desires of those in control of foreign markets, have been conducting an insidious campaign to make the American people believe that we should reduce our tariff rates or, better still, eliminate our tariff altogether.

BEHIND THIS CAMPAIGN IS EITHER A DESIRE TO FORCE AMERICAN WORKERS TO THE SAME LEVEL OF LOW LIVING CONDITIONS AS EXISTS IN EUROPEAN COUNTRIES, OR A TOTAL DISREGARD FOR THE WELL-BEING OF AMERICA'S WAGE EARNERS

Ford, in his protest, suggests that while it is good policy for America to retain restrictive immigration legislation we should open our gates to the products of the same workers who, he advocates, should be denied entry. Is this either logical or fair?

American labor favors the retention and the strengthening of our immigration laws and consistently advocates the placing of tariff duties on the products of those foreign workers who we deny entry to which will at least equal the difference in costs of production.

The sincerity of Ford's Americanism was indicated a few years ago when he deliberately, in order to add additional riches to the Ford estate, destroyed the employment opportunities of from 6,000 to 10,000 workers in Detroit by removing his tractor plant to Europe. Ford, in a recent statement, is credited with the statement that his cost of production at Cork was only 60 per cent of what the same tractors would cost with American labor at Detroit.

The fairness of the ruling of the Treasury Department, permitting free entry of Ford tractors as agricultural implements, might well be questioned. So far as we know, the farmers do not receive, in reduced prices, the benefits of either the lower wage costs nor do they receive the benefits of some $150 in tariff duties per tractor which Ford saves through the favorable ruling of the Treasury Department.

Is a tractor, used in hauling cement or brick or other commodities through city streets, an agricultural implement?

A few months ago, while legislation was pending before the Congress which would deny monopolistic privileges to holders of American patent registration who produced the goods so protected in foreign countries, Ford issued a statement to the effect that Ford tractors were being produced in Ireland for American consumption only as a temporary measure, and that it was not the intention to import into America the products of his European company.

The tariff conferees complied with the request of Ford and the other Americans, who, finding it more profitable to manufacture the goods in foreign countries of which they have a monopoly in the American market through American patent registration, and have rejected a provision which is all important to American workers.

The tariff conferees claim that they did not know that during the year 1929 almost 70 per cent of the entire production of Ford's European tractor plant was shipped into America free of any duty.

Ford's millions have been built upon the prosperity of America. With the saturation point having been reached in America for auto-

mobiles, Ford seeks to add additional millions to his holdings by selling their product in foreign countries.

In so doing, however, Ford does not seek to help the unemployment situation in his own country. Additional riches are the motto—not the relief of his fellow countrymen.

After having carefully surveyed the foreign markets and realizing the cheapness of foreign labor, Ford either purchased or erected automobile plants for the purpose of supplying the foreign market in foreign countries and, to an increasing extent, the American market.

In passing it might be well to bear in mind that the Ford family only a short time ago became heavily interested in the securities of the German chemical trust, a concern which through its control of American chemical patents and trade-marks prior to the World War had stifled the American chemical industry.

Ford's protest is but another sign of the desperate plight which American capitalists who, with millions of American dollars invested in foreign countries in order to curry favor with those in control, find it convenient to embarrass their own countrymen in order to safeguard their foreign investments.

If the wages and living conditions of American workers are to be preserved, let alone improved, Congress can well afford to look to those Americans who have indicated their sincere interest in the welfare of their country by investing their moneys in America rather than those who have taken their profits received from the American purchasing public and used them to destroy American industries.

On behalf of American workers we ask you to pass tariff legislation which will safeguard the employment opportunities of American workers.

Sincerely yours,

MATTHEW WOLL, *President.*

IOWA CIRCLE

Mr. COLE. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COLE. Mr. Speaker, some days ago when the gentleman from Illinois [Mr. DENISON] asked unanimous consent for further consideration of a bill to change the name of Iowa Circle in the city of Washington to Logan Circle, my colleague [Mr. RAMSEYER] objected to such action. The objection then entered was conditional. It was stipulated that I should look up the historical significance of the association of the name of our State with that circle. I have done so and I have found no other conclusion possible than that the change proposed would be an ungracious act toward our State and one that I do not believe the gentleman from Illinois, when he knows the facts, will care to press against us.

Iowa Circle was so named in 1878. Before that it had no distinctive name but was known as Thirteenth Street Circle. It was then adorned with what has been referred to as "a magnificent fountain," the removal of which was long regretted.

At that time William B. Allison was a Senator from the State of Iowa, and a member of the Appropriations Committee of the Senate. The bill making appropriations for the District of Columbia in 1878 carried a small item for this circle. Mr. Allison, evidently thinking that such a beautiful place should have a more distinctive name, wrote the name Iowa Circle into that bill. In so doing he bestowed an honor on his State, but also an honor on that circle.

Senator Allison was one of my dearest friends, and he was my mentor in public life. He was one of the truly great Senators, not only of Iowa but of the Nation and of all time. He served in Congress for 43 years, 35 of them in the Senate. The unusual honor of a seventh successive nomination was bestowed on him. He won that last and greatest approval in the first popular senatorial primary held in Iowa. Unfortunately, he did not live to enter on that term of service.

His death was mourned by a nation. William Howard Taft, then the Republican candidate for President, in paying tribute to his memory, said:

> I loved him as everyone did who came within the influence of his sweet nature and strong character * * *. I loved him as a father.

That expressed the attitude of the public men of the Nation toward this great Iowan.

In his Autobiography, Senator George Frisbie Hoar, of Massachusetts, a man of like spirit and like service, said of Mr. Allison:

> I think he had a good deal of influence in some perilous times in deciding whether the ship should keep safely on, or should run upon a rock and go down.

To me Iowa Circle is associated with this great man and long-time friend of mine. I can not bring myself to the point of surrendering that name and that association without a protest. For me to consent to such a change can not seem otherwise than as a betrayal of something that is dear to me in my remembrances of a friend. I know I shall feel better if I have been loyal to his memory.

It has been said that all the other circles in Washington have been named after the men whose statues have been placed in them. That is not wholly true. We still have Lafayette Square in which the amazing statue of General Jackson stands as the centerpiece. Many years ago the proposal to change the name of that square to fit that statue, though sponsored by so influential a man as Champ Clark, was denied. As General Jackson is honored by having his statue in Lafayette Square, so General Logan is honored by having his statue in a circle named after Iowa, one of the great States of the Union of States.

The request to change the name of Iowa Circle to Logan Circle comes to us from the State of Illinois, a State we hold in honor and whose public men we esteem. We are neighbors. We look upon each other across the Mississippi, a river of so many traditions and fascinations that it does not separate us, but rather binds us together.

But to the men of Illinois I cite the injunction of Holy Writ that has stood for more than 30 centuries:

> Thou shalt not remove thy neighbor's landmark which they of old set up in thine inheritance.

It was Iowa Circle which became the inheritance of Illinois for the statue of General Logan. The name, the landmark, was there long before the statue was cast in bronze. For two and fifty years that name has endured. To me there is something secred in such a long association of an honored name with a beautiful place, and something sacrilegious in disassociating them.

It is, therefore, my hope and my prayer that this landmark which was set up of old shall not be removed. If the name of Iowa Circle in Washington is ever to be changed, may it be when one who cherishes it as a memorial of a friend shall no longer have a seat among you in this House of Representatives.

STATEMENT OF RESIDENT ON IOWA CIRCLE

Under permission to extend my remarks I am going to insert here excerpts from a letter written by Dr. F. A. Swartwout, of No. 12 Iowa Circle, to my colleague, Mr. RAMSEYER, dated May 28, 1930:

> The majority of property owners and residents of Iowa Circle object seriously and protest vigorously against the change of the name of the circle. We had no opportunity of voicing our desires, as we knew nothing of the movement until it was announced in the daily press. We then went to the committee, or members of the committee, who told us it was too late. It seems to us an injustice, and that we should have a hearing.
>
> There are 28 properties on the circle, and at least 20 of the owners and residents on those properties are against the change in name. The alleged Iowa Circle Citizens' Association is composed of and officered by people who are not residents of the circle. Some of them live blocks away. Only one officer is a resident on the circle, and this one is only a tenant. This organization, influenced by real estate men, is responsible for the agitation.
>
> We are in sympathy with you and Mr. COLE in your stand upon the historical side of the situation. The circle having derived its name in the way it did, it seems that name should remain as a memorial to those who named it, and so far as the reason set forth for the change, viz, because the statue of General Logan is situated here, is no criterion. The stupendous monument to General Grant is in the Botanic Gardens.
>
> We would have preferred in the first place that the magnificent fountain which was there originally had remained, but we had no opportunity to voice a protest. The first we knew of that was when workmen began to tear it up. We hope this will be blocked, and if necessary we would like to have a hearing.

We have here a direct statement that this proposed change was considered without anyone who might be directly interested being given a hearing. In a matter of so much significance it would seem that everyone so interested should have been given an opportunity to be heard. The action that has brought this matter before the House ought to be reconsidered by the District Committee, and open hearings held as they are held on all other questions.

THE NEW SPANISH WAR PENSION ACT

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the Spanish War pension bill passed yesterday.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, no opportunity being offered to discuss the President's veto of the bill granting

additional benefits to Spanish War veterans, under leave to print, I submit my views on this legislation.

At the outset let me say I can not take seriously the argument of the President that Congress should at this late date so amend our pension laws so as to require the veteran to submit proof of need before a pension is granted. That would, to say the least, be class legislation, in my opinion. It would establish a precedent, and if required of one set of veterans the Congress would be called upon to extend similar provisions to veterans of all wars. No such proviso can be found in the laws granting pensions to veterans of Mexican, Civil, Indian, or World Wars, so why should we start now and demand of the Spanish War veteran that he show that he is financially unable to care for himself before granting him relief. Take the man or woman, for instance, who has a small income, not sufficient to sustain them for life, but who, with the aid of a pension, would be able to go along for years to come. To deprive them of their pension would mean that they would be required to use their savings and in time they would dwindle away, while with the aid of a pension the principal properly invested would be intact at the time of their death.

In reference to the "vicious habits" provision, experience has taught me that there are many veterans deprived of pensions because of rulings of the Pension Bureau who, in my opinion, are entitled to recognition. As an example, I cite a veteran in St. Louis who was returning home from the far West. He did not have sufficient funds to pay his way across the country and was riding on freight trains. He maintained in an affidavit that he was paying railroad employees for the privilege of riding on the freight trains. This man fell from a train and both legs were amputated. Although a small amount in comparison with the injuries he received, the man was recognized by the railroad company; a compromise being effected and damages paid for the loss of both limbs. When this man, who served throughout the Battle of Manila Bay, a Dewey medal of honor man, filed claim for pension the bureau held that his injury was due to his own willful misconduct and refused pension. The present Secretary of the Interior, on appeal, affirmed this decision. I introduced a special bill in his behalf and the committee allowed the man $50 per month. Many other cases can be cited where a personal disease does not enter into the case.

Recently the gentleman from Texas, Mr. BUCHANAN, presented an argument in reference to misconduct diseases which I think can not be answered. He said in part:

> I submit that where the Government went into the homes and took from the firesides of the country our young men and gathered these young men together and held them in cantonments, shipped them across the sea, where every one of them was practically the slave of Army officers and subject alone to the command of their master, the Government is responsible for their conduct, and if these red-blooded men sinned, then the Government created the conditions and the war aroused the "don't-give-a-dam" spirit which caused them to indulge their passions, resulting in many of them contracting an incurable disease, which disease impairs and ultimately destroys their ability to earn a living.

This statement I concur in. I think the argument answers the President's objection to this paragraph.

Now, as to the 70-day service clause. The President objects to this feature of the bill. It is true pensions heretofore have only been granted when a service of 90 days is shown. It must be remembered that while 70 days is the minimum in this bill men who served 89 days are denied a pension under the old law. More men who served 80 and 85 days and over will benefit by this paragraph than those who served less than 75 days and more than 70 days. Further, we must understand these men volunteered to serve 500 days if necessary, and if the war terminated before they served 90 days they should not be denied benefits of our pension system, provided they are disabled.

The bill which became a law yesterday when the House and Senate both passed it, the President's veto notwithstanding, extends no additional benefits to widows and dependents of the veterans. It applies only to the veterans.

I have arranged tables which show the changes. They follow:

Veterans serving 90 days or more

No increase for veterans receiving	$20
No increase for veterans receiving	25
Veterans receiving $30 increased to	35
Veterans receiving $40 increased to	50
Veterans receiving $50 increased to	60
No increase for veterans receiving	72

Thus you will see only the veterans receiving $30, $40, and $50 a month now will be entitled to the increases where the pension is based on service.

Pensions based on age, 90 days or more service

62 years, now receiving $20, increased to	$30
68 years, now receiving $30, increased to	40
72 years, now receiving $40, increased to	50
75 years, now receiving $50, increased to	60

Veterans serving 70 days or more

Veterans having one-tenth disability	$12
Veterans having one-fourth disability	15
Veterans having one-half disability	18
Veterans having three-fourths disability	24
Veterans having total disability	30
Total disability where regular aid of an attendant is required	50

Pensions based on age, 70 to 90 days' service

62 years	$12
68 years	18
72 years	24
75 years	30

Nurses receive the same recognition under the new law as the veterans.

As referred to above, the vicious-habit clause is eliminated and those previously denied pensions or those who have heretofore never filed on account of the old provisions are now eligible for pension under the new act.

I regret to say all now receiving pensions entitled to the increase must file an application. When the bill was pending in the House I referred to this paragraph in a speech and urged that the increase be automatic, but the conferees did not make the desired change. Therefore, everyone must file an application, those now receiving pensions and those previously denied pensions. It will be useless for those to file for the increase where their class was not recognized, but they can at any time file a claim for an increase if their disability has become more severe since the date of their last examination.

I have consulted the Acting Commissioner of Pensions; and while he tells me the old application blanks both for original and increase can be used under the new law, he further stated that an affidavit properly sworn to and witnessed by two persons would be considered an application for the increases provided in the new law. As the increase will date from the day the application is received in the bureau, the veterans should file their claims immediately. Below will be found form of an affidavit that will be sufficient for my constituents, according to the Acting Commissioner of Pensions:

CITY OF ST. LOUIS,
State of Missouri, ss:

I, ——— ———, residing at ———, St. Louis, Mo., being duly sworn, on my oath state I am now receiving a pension under certificate No. ——— as a veteran of the Spanish War, Philippine insurrection, or China relief expedition, hereby make application for the increase in pension provided by reason of the act of Congress of June 2, 1930. I am now drawing a pension at the rate of $—— per month.

(Signed) ——— ———.

Subscribed and sworn to this — day of June, 1930.

——— ———, *Notary Public.*

My commission expires ——— ———.

Witnesses to signature:

——— ———, ——— ———.

Name. Address.

——— ———, ——— ———.

Name. Address.

PROHIBITION HEARINGS

Mr. CELLER. I ask unanimous consent to extend my remarks in the RECORD on the subject of the prohibition hearings recently held before the Committee on the Judiciary.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under leave to extend my remarks I present the following résumé of the recent "dry" hearings before the House Committee on the Judiciary:

On February 12 the Judiciary Committee of the House opened hearings on a group of bills offered by Congressmen SABATH, NORTON, LAGUARDIA, COCHRAN, CLANCY, and CELLER proposing the repeal or amendment of the eighteenth amendment to the Federal Constitution and to submit the question of repeal or amendment to a national referendum. There was also a bill before the committee to liberalize the national prohibition enforcement act, but, at the request of the author, hearings on this bill were deferred to give the President's Law Enforcement and Law Observance Commission an opportunity to inquire into its merits as a remedy for the manifold evils that have grown out of the national prohibition policy.

At the opening of the hearings our able and distinguished chairman announced that they would be largely educational in scope and that everybody, both for and against the proposals, would be given equal opportunity to be heard. The hearings were conducted with great fairness, and the committee heard

with interest and appreciation the views expressed by those holding different shades of opinion on the prohibition law. The hearings were marked by every evidence of fairness on the part of the members of the committee, regardless of their own views on this subject, in order to get the real facts concerning the operation of this law.

For 10 years the American people have patiently endured the intolerance, the corruption, and the criminalizing effect of a policy designed, by act of Congress, to bring about the moral regeneration of the American people. They have exercised more than good sportsmanship to test a theory that men and women can be made righteous and morally upright by an act of the legislature instead of by education, training, and culture.

During this test period they have seen their Government dragged through the slime of corruption; they have witnessed an alarming and widespread disrespect for all law resulting from the worse than futile attempt to enforce a law against the manufacture, sale, and transportation of intoxicating liquor for beverage purposes; they have seen the youth of the land criminalized and dragged in irons to the penitentiaries and jails by virtue of a law theoretically designed to remove the temptation of drink; they have seen their prisons crowded to the doors with the victims of a cruel and oppressive law which made a crime of that which for 19 centuries had never been more than an indiscretion; they have seen intolerance and bigotry mounted and spurred demanding ever and ever more severe penalties for the violation of the law; and they have seen the Nation divided into two hostile camps, one denouncing the law as an invasion of the rights, privileges, and immunities guaranteed the citizen by the Constitution as written by the fathers, and the other denouncing as nullificationists and criminals all who did not bow supinely to the letter of the law.

For 10 years the contest has raged, growing ever more bitter and acrimonious. Citizens in the innocent pursuit of their duties or their pleasures were shot down in cold blood on mere suspicion of being violators of the prohibition law, and the Government, in its majesty and power, defended and acquitted those guilty of the slaughter. On the other hand, agents of the Government charged with the duty of enforcement have been shot down by those engaged in its violation. Armed vessels swarmed the coast line, sometimes sinking the ships of friendly nations and sometimes firing upon the pleasure boats of American citizens with a reckless disregard of human life.

Our once proud Government has humiliated itself by tacit confession of its inability to enforce Federal law by begging the State governments to take over the principal burdens of enforcement and by unheard of pleas to foreign governments to help us to enforce a domestic law against our own citizens. During this period we have seen our own Government engaging in the liquor business on its own ships to attract business to them, while at the same moment it was sending to imprisonment and humiliation its own citizens who had done nothing more than the Government itself was doing on a far greater scale. We have seen the Government of the United States declared a lawbreaker by a solemn decision of the Supreme Court, which held the liquor-traffic operations of the Shipping Board to be a violation both of the eighteenth amendment and the national prohibition act, and then by the same token we have seen the Federal Government nullify the decision of the Supreme Court and the plain and emphatic provisions of the eighteenth amendment and the national prohibition act by entering into treaties with foreign governments, in exchange for a little more enforcement power, granting them the right to violate both the amendment, the law, and the decision of the Supreme Court by transporting liquors into the territorial waters of the United States. And while the Government sanctions this violation of the plain letter of the amendment and the national laws by foreign governments, and thus permits by treaty the nullification of a decision of the Supreme Court, it enforces to the last intolerant letter of the law this act against its own citizens. It has filled its jails and penitentiaries with its own citizens for doing nothing more than it grants foreign nations to do by treaty.

It was in this situation, therefore, that the House Judiciary Committee undertook to determine the truth about the operation of the national prohibition law. I take it that Members of this Congress want to know the truth about prohibition and its practical operation, and that they desire every citizen of the United States to know the truth about it. No American institution, whether protected by the power of constitutional amendment and buttressed by acts of Congress, can ever stand unless it is bottomed on truth and justice—unless it is a just and meritorious law, and unless it has back of it the practically united sentiment and wisdom of the American people.

It was felt that the time had arrived, after a 10-year test, to conduct a calm, thorough, and judicial inquiry into the merits of the law to determine whether its failure was due to the inherent injustice of the law itself or the inherent deviltry of the American people. In other words, to determine whether the fault lies in the law itself or in the people. Is the law wrong or are the people wrong? Are the American people so weak, so frail, so incapable of taking care of themselves that it is necessary for Congress to pass a law to protect them from their own weaknesses and vices? If they are so weak and so incapable of taking care of themselves, so utterly incapacitated to meet and overcome temptation, has the Government, by the enactment of a paternal prohibition law, been able to reform them, to mold them into the character of citizens the apostles of ecclesiastical intolerance would have them be?

Important witnesses were called to the bar of our Judicial Committee to hear their testimony. They came from every quarter of the United States, voluntarily and eager to give expression to their views. They were given full latitude of expression, and they were cross-examined to develop more fully any facts within their knowledge. It was an educational hearing, in every sense of the word, and the voices that were heard before the committee were heard throughout the Nation. There was soon made manifest that the slowly developing revolution against prohibition that has been in progress during the past 10 years is now breaking forth in full fury, and its echoes are heard from one corner of the continent to the other.

Already many of the leaders of the intolerant movement are seeking shelter from the storm of indignation that has broken upon their heads. They see the flashes of its lightning and hear the clap of its thunders. The exhausted patience of the American people is developing storm clouds that bear evil portent for the theorists that a race of people can be reformed by an oppressive and intolerant law. The hearings have, indeed, been a great educator.

But let me call the roll of witnesses, and repeat what testimony they bore as to the fruits of this misnamed benevolent piece of legislation. I recall first to the witness stand an outstanding woman, Mrs. Charles H. Sabin. Turn to page 41, part 1 of the record of the hearings, and hear her stinging and bitter indictment of the law which she once favored, but which, in practical operation, has proven to be a curse instead of a benefit:

> It is generally conceded, and I believe it to be true, that women played a large part in the enactment of the eighteenth amendment, Many of them who worked most actively had had their unhappy experiences as a result of drunkenness among those close to them. They thought that prohibition would strengthen a weak nature. They did not realize that, if the spirit of temperance is not within, legislation can be of no avail. They are now realizing, with heartburnings and heartachings, that the prohibition law has not worked out as they thought it would. They thought they could make prohibition as strong as the Constitution, but they have made the Constitution as weak as prohibition.
>
> They have seen an alleged moral reform debauch public and private life. They have seen a steady increase in crime that has necessitated the President of the United States asking for an appropriation of $5,000,000 for new Federal penitentiaries and that has necessitated the governor of my State asking for $30,000,000 more for new State prisons. They have seen the rise of an organized criminal class engaged in a most profitable, nontaxpaying secret business, providing the prohibited articles to millions of our most respectable and otherwise law-abiding citizens.
>
> At the time the eighteenth amendment was ratified it was predicted that the world would be made safe for democracy because the saloons would be closed. Gentlemen, we still have the saloon, but in a far worse form, unregulated and uncontrolled. I refer to what we might call the coeducational speak-easy. In preprohibition days mothers had little to fear in regard to the saloon so far as their children were concerned. A saloon keeper's license was revoked if he was caught selling to minors. To-day in any speak-easy in the United States you can find boys and girls in their teens drinking liquor, poisonous and nonpoisonous, and this situation has become so acute that the mothers of the country feel that something must be done to protect their children.
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> William Barker, head of the northern division of the Salvation Army, has recently said:
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> "Prohibition has diverted the work of the army from the drunkard in the gutter to boys and girls in their teens. We now have girls 15 and 16 years of age in our rescue homes while in preprohibition days the youngest was in her twenties."
>
> The head of a large settlement house in Detroit, when asked her views in regard to the workings of the prohibition law, replied:
>
> "The prohibition law has removed the corner saloon and put a saloon in practically every home in our district."

Such was the testimony of this keenly intelligent American woman, who recently resigned as a member of the Republican National Committee to organize the women of America in the fight against a law that is sending the children to the rescue

homes and putting saloons into millions of American homes. Let me say this for Mrs. Sabin. During the presidential campaign of 1928 she probably did more than any other American citizen to help elect President Hoover. Her nation-wide radio appeals to the women of America to rally to the support of Mr. Hoover, and to contribute money to the Republican campaign fund, were tremendously effective, as those of us engaged on the opposite side of that great struggle can testify.

To-day the slogan of her organization is: "I shall never vote for another dry as long as I live." Women by the thousands are following her leadership in her able, intelligent, and patriotic fight against a law that has brought a cyclone of evils upon the American people and their Government.

It will be recalled by every Member of this House that one of the principal claims made for prohibition before its enactment was that it would empty the jails and penitentiaries. On this point the testimony of the Hon. John W. Miner, secretary of the commissioners of the Michigan State Prison Board, is highly instructive and significant because it presents a detailed picture of the prison conditions that are general throughout the United States. Mr. Miner's testimony appears on pages 75–82 of the record of the hearings. Let me quote, first, his statement about the increase of women prisoners in the Michigan penitentiary, as that statement may well explain, in part, the fears and uneasiness that exist in the minds of the mothers of this country with respect to the results of the prohibition law. This quotation is from page 77:

> In 1916 we had only 63 women confined in these institutions in Michigan. In 1920 we had in the institutions 73 women. It was increased at the rate of only 4 per cent. After the prohibition law went into effect and from 1920 to 1930 this percentage jumped from 4 per cent to nearly 35 per cent, and we now have 327 women inmates in our penal institutions.

Mr. Miner pointed out that Michigan now has three State prisons, and that the increase in prison population jumped from 3 per cent in the preprohibition years to more than 30 per cent in the prohibition period. The prison at Jackson, built from appropriations made in 1923, had an original capacity for 2,500 inmates, and this is being increased to 5,500, with an actual population in this one prison of 4,400, as compared with 1,009 in all the Michigan prisons in 1920, the year the prohibition law became operative. Mr. Miner estimated that there had been placed upon Michigan an additional tax burden of $40,000,000 as the result of the prohibition law.

He estimated that it has cost the State government $1,500 to commit a prisoner to the penitentiary, and $1.20 a day for his upkeep during the term of his confinement. He attributed the great growth of the prison population directly to the results of the crime engendered by the operation of the law—not merely the crime of bootlegging and rum running but the long train of other crimes that have followed in its wake. He added:

> Millions of dollars are being expended by our taxpayers in the building of additional penal institutions. Prisons and insane asylums are filled and overflowing, courts are congested, and our citizenry has lost the assurance of safety and security, both as to their person and their property, in their homes and upon the streets and public highways.

So runs the testimony of a prison commissioner in refutation of the promises of empty prisons and jails made by the advocates of the prohibition law to influence public sentiment to bring about its enactment. So would run the testimony of all other prison commissioners. No greater tragedy has ever been written into the history of our Nation than the crowding to the doors of the jails and penitentiaries with inmates who, but for this law, would have been upright and useful citizens.

I wish now to direct the attention of the Members of Congress to the list of distinguished citizens who have enlisted for the duration of the war against prohibition. This list will be found on pages 101–117, inclusive, of the record.

It is a list of the board of directors of the National Association Against the Prohibition Amendment and the several State associations. In this list are the names of the greatest industrial, railroad, business, financial, and professional leaders in America. There is not a business corporation in the world that can boast of such a board of directors. These men have not only enlisted in the fight against prohibition, but they are contributing their money to carry on an intelligent campaign of education as to its evil effects upon the American Republic.

You will pardon me if I refer for a moment to the list of the principal financial supporters of the prohibition cause as revealed by the Senate lobby committee's investigation of the Anti-Saloon League. There appears upon this list but one well-known name—that of Sebastian S. Kresge. I do not wish to indulge in personalities, but I invite you to compare the list of supporters of the antiprohibition movement of to-day, in the eleventh year of prohibition, with the only real financial supporter of prohibition and choose your own company.

Compare the lists, and you will realize that the brains, the initiative, the morality, the great business, industrial, and financial leadership of this Nation has become militantly aggressive against the prohibition law, because it undermines the security upon which life and property rests.

I do not say that there are not some great industrial leaders still committed to the cause of prohibition, but they have never given their moral and financial support to the prohibition organizations, or if they once gave it they have withdrawn it. A few years ago the Rockefellers were the principal financial supporters of the Anti-Saloon League, but no longer do their names appear upon its rolls of contributors. Mr. Kresge, who confessed in his letters of solicitation that his sole interest in prohibition was to keep the liquor bloodsucker off the neck of his "decent 5-and-10-cent trade," stands solitary and alone as the principal financial supporter of the "5 and 10 law." He is the idol and the ideal of the Anti-Saloon League. He is the man this great body of professional uplifters—these born of God apostles of prohibition—hold up before their children and say, "Here is the man whose life and work and deeds we wish you to emulate."

It is true that Mr. Ford and Mr. Edison sent perfunctory telegrams of indorsement of the prohibition principle to the committee, but neither had interest enough in the cause to appear in person and submit themselves by cross-examination to a test of their knowledge of its operations. They were also careful not to have their telegrams transmitted through the person of any of the professional prohibition reformers. Their telegrams came in response to a solicitation by a magazine writer who had written much about them during the past few years. Neither do their names appear upon any list of contributors to the prohibition cause.

Contrast now the attitude of the men who have enlisted in the warfare on prohibition. Gen. W. W. Atterbury, president of the Pennsylvania Railroad, came and gave his testimony in person. So did Pierre S. du Pont, former chairman of the board of directors of the General Motors Corporation, and head of the vast Du Pont interests of Delaware; so came Col. Grayson M. P. Murphy, who during the World War was a member of the general staff of the Forty-second Division in France, and who is now a vice president of the Guaranty Trust Co. of New York, a director of the Bethlehem Steel Co., the Goodyear Tire & Rubber Co., the Fifth Avenue Coach Co., and numerous other great industrial corporations.

So also came Mr. Henry B. Joy, of Michigan, founder of the Packard Motor Car Co., formerly a leading dry, who has seen the light and is now using his intelligence to help undo the mistakes that he made by accepting the promises of the professional dry reformers that prohibition would work moral and economic miracles. There also came a galaxy of America's brilliant lawyers to protest against defiling the great Constitution with a mere police regulation.

It is doubtful whether in the history of the national Congress there has before appeared such a brilliant array of American citizens before one of its committees to give testimony in any cause. The testimony that these distinguished, able, and discerning witnesses gave against prohibition was broadcast to every corner of the American Republic. The reaction was almost instantaneous. Although the hearings opened but four months ago, we see almost daily a procession of dry Senators scurrying for the cyclone cellars to escape the wrath and indignation of the American people.

The effect that prohibition has had on the citizen, in his attitude toward law, is graphically summed up by Colonel Murphy, pages 125 and 137 of the record. Speaking of his return to the States after the war he said that he expected that total abstinence would be enforced in this country:

> Because, until the eighteenth amendment did come into effect, and the Volstead Act, certainly I never wittingly broke a law of this country, and I know that the same thing could be said of practically everyone I knew. * * *
>
> * * * Personally I do not know a man—I want to make this clear; I may know a man but I can not remember him if I do—I do not know a single leading banker in the United States, I do not know a single leading industrial executive in the United States, I do not know a single leading railroad executive in the United States that I can think of, who does not break this law and who does not drink.

That is a very striking picture of the transformation of the attitude of the American people toward Federal law. Before the adoption of the national prohibition law very few people ever dared violate any provisions of Federal law. Now it is done with impunity not only by the leading industrialists, bankers, railroad executives, and business men, but by our college

students, as shown by their polls inserted in the record of the hearings, and by citizens in every walk of life, from the highest to the lowest. The law is all but universally disregarded and evaded, and say what you will this has bred disrespect for all law and for all governmental authority. It is perhaps the only way the people could find to start a peaceful rebellion against the law.

Let us now for a moment hear the testimony of Mr. Henry B. Joy, of Detroit, former president of the Packard Motor Car Co., on the changing sentiment of the American people with respect to the eighteenth amendment. Mr. Joy told us very frankly that he had voted for prohibition, but that he had now become converted against it. He quoted with approval the statement of the Detroit Free Press in announcing its abandonment of the prohibition principle that the "eighteenth amendment was a fearful error." On page 158 of the record you will find his statement that when 180 of the active business men of Detroit, who had accepted his luncheon invitation, were asked how many had voted for prohibition every man raised his hand. They were then asked how many would vote for it again, and not one raised his hand. It was a unanimous conversion.

Mr. Joy presented to us a very striking picture of the church lobbies in action in supporting prohibition legislation, and also inserted in the record of his testimony the statements that former President Taft made in 1918 accurately forecasting the evils that would follow in its adoption. Mr. Joy summed up his own views (p. 161) in the following language:

I feel that 10 years of sad experience with this "noble experiment" is indeed enough, and that we should repeal the eighteenth amendment. There can be no compromise. We do not want saloons on the one hand or prohibition speak-easies and poison or unwholesome alcoholic beverages on the other.

We all desire to work toward temperance by intelligent control. The States can enact laws that meet with popular respect and change them to meet their respective changing conditions. I am convinced that no laws can be enforced except those meeting with the approval of the great mass of the people. It is not a mere question of a majority.

If our Congress will do, and enable to be done, these things, then President Hoover's law enforcement commission, made necessary purely by the prohibition situation, may disperse.

The armed forces of spies now spread throughout the land can be withdrawn. The dry navy can retire.

The vast enlargement of our prisons recommended by the President and Mr. Wickersham will be unnecessary. The invasion of the rights of the people will cease. The bill of rights and trial by jury, the greatest weapon against oppression ever devised by man, will be restored.

Temperance will prevail. We will again be a law-abiding people.

On whether the prohibition law is enforced, or capable of enforcement, let me recall the testimony of two able lawyers, coming from two widely separated parts of the country, one of whom recently represented his State in the United States Senate. I refer to the testimony of former Senator George H. Williams, of Missouri, and Mr. Frederic R. Coudert, of New York.

Said former Senator Williams, page 182 of the record:

I have been a close observer of the effects of prohibition, and so far as St. Louis is concerned and St. Louis County we have no prohibition either State or national. I mean by that the law is not enforced locally by State officials. It is well understood when our State prosecuting attorney announces himself for office that he will be expected, if elected, not to enforce the prohibition act. The circuit attorney who stands next to him in rank states that it is the function for the prosecuting attorney or for the United States district attorney, and as a result we have no prohibition in our part of Missouri.

I turn now to the testimony of Mr. Coudert, page 197:

There was some talk about enforcement in the courts. There is no enforcement in the courts. In the great city and State of New York, with its 13,000,000 people, in the greatest metropolis in the world from every standpoint, there is no enforcement and there will be no enforcement. * * *

I was going to state that the nonenforceability of the law must be read back to its causes. If a law is nonenforceable, there must be a reason for it, and the reason for it is that Washington can not govern the dinner tables of the people of the United States.

Then, addressing directly the members of the Judiciary Committee, he said:

If this body of gentlemen and the Senate were really minded at any cost to enforce prohibition in the same way that you were minded to win the war, you would appropriate the necessary number of dollars annually and direct that the fleet of the Navy could be used, and that at least would be an upstanding and honest, if fanatical attempt, to enforce the law, and it would have consequences.

What would the consequences be? I think it is easy to predict that the Government administrators and that the Government, legislative and administrative, that attempted something like real enforcement would be swept out of existence at the next election, and if that were not so, they would have on their hands a civil war. * * *

This is becoming a very real question. Great masses of men, a million at a time, will no longer suffer themselves to be treated as lawbreakers and outside of the pale of the law. It was all right to pass a law under the war psychology that the chairman has so well outlined, and the amendment was carried through under that overstimulated mental state, when a great part of the Nation believed that every German was a felon and should be exterminated and that we were carrying on a war for humanity and must destroy other people in the doing of it. It is quite natural that a matter like prohibition should have gone through as a patent nostrum for the conditions prevailing at that time. That explains it.

I realize the difficulties, the almost impossibility of repealing it, but I say that is the objective. There are only two things that can happen. Repeal it and restore to the localities those rights which from time immemorial they have held in Anglo-Saxon communities or which, when those rights were violated, had led to a revolution and thus those rights had been restored—either that or enforce it. Call out the Navy and go into every home and put every citizen who violates the law into jail, and have accommodations for 50,000,000 or 60,000,000 of your people. Put in jail the best, the most honored, the most respected people, empty your universities, your schools, and leave at the bar some of those who are as obscure as I am. If you are prepared to do that, then take the consequences of the Government that does it being swept out in no time and being execrated by the people from Maine to California, from Alaska to the Sandwich Islands; take the chances of that.

Of course, Congress will not do it and is not contemplating doing it; and yet, if it were really an enforceable law and not a religious or denominational or hygienic fad and fancy of a collective minority, they would endeavor really to enforce it.

In very similar language Mr. Ralph M. Shaw, a distinguished lawyer, of Chicago, testified, page 205:

Every one knows that it is flagrantly violated all over the land in every city, village, and hamlet by the people of all classes and ranks of society. There is no moral obloquy attached to the violation of this law. In private, people applaud its violation, sneer at it with derision, and talk about the law as a mere illustration of the hypocrisy of the American people, who seem only to care for the appearances and not for the truth. * * * I have said that it is known that the law is not enforced, that it is not being enforced, and I am here to assert that no power on earth, irrespective of the amount of money appropriated or of the number of men employed to enforce it, can ever possibly enforce it.

Then, on page 209, he said:

Organized society, resenting invasion of the liberty of the individual, is willing to pay any price to destroy the invasion, not so much because organized society wants what it pays for but in order to show those who have trampled upon the spirit of liberty that they can not possibly succeed. The result is that millions and millions of dollars are pouring into the coffers of the underworld and making it so powerful financially that it is able to debauch prosecutors, judges, legislators, and all the instrumentalities of government.

In that very brilliant pamphlet recently published by Senator Thomas he points out in most eloquent language that with the financial rewards now offered to the underworld there is every reason to believe that the underworld is enjoying competent management, abundant capital, and exhaustless demand for its product, and either has been or shortly will be so powerful that it will dominate our Government itself. * * *

If anyone wants to understand the increase of crime and the breaking down of law enforcement there is no occasion for having investigating committees. All they have to do is to point to the eighteenth amendment and the legislation passed in its support. It is directly responsible for the whole thing.

Next came the Hon. Benedict Crowell, builder and contractor, of Cleveland, a former Assistant Secretary of War. He gave us a graphic statistical record of the tragic failure of prohibition in Cleveland. He said, page 214:

In Cleveland in 1920 there were 2,991 arrests for intoxication. In 1929 there were 32,751 arrests for intoxication, an increase of over 1,000 per cent.

The number of drunkards convicted and sentenced to a term in the workhouse, now called the correction farm, has increased. In 1920 there were 2,949 commitments and in 1929 there were 10,900 commitments. * * * A very distressing feature of these commitments is the dreadful condition in which so many of these prisoners are received at the farm. Five hundred and eighty-four were suffering from delirium tremens, an unheard-of number in the pre-Volstead days.

It is not possible for me to take the time to quote even briefly from the enlightening statements of many authors, bankers, and lawyers who appeared before the committee to express their views and give their testimony on the practical operation of the prohibition law. But I do want to quote from the statement of Gen. W. W. Atterbury, president of the great Pennsylvania Railroad. General Atterbury told us that railroad men had always been, without the necessity of prohibition laws, the most temperate body of workers in any industry. Temperance had been achieved not by compulsion but by mutual agreement. His company has always stood for observance of law, and even before the passage of the prohibition laws had forbidden the sale of alcohol in its dining cars and restaurants. In a very temperate and dispassionate discussion of the prohibition law General Atterbury said:

At the time of its adoption even the friends of the amendment could not have foreseen four distinct results which have ensued, and which have tended to not only break down the effectiveness of the amendment itself but to hamper the general effort to enforce law and order. These unexpected developments have been:

First. The extent to which the practice of making home brew has developed.

Second. The enormous development of the bootleg industry, the profits from which have been so large as to bring about an alliance in many cases between those charged with law enforcement and the most reckless criminal section of the population.

Third. The enormous temptations to official corruption and the great development of this corruption.

Fourth. The revolt of the youth of the country against being deprived of personal liberties which their parents had enjoyed, resulting in a situation which has caused a large number of the most conservative college authorities to urge the repeal of the amendment.

As a result of these unforeseen and admitted by-products of prohibition the country is faced with a problem that can not be evaded. The real question before us, as I see it, is how to minimize the abuse of alcoholic beverages and restore that respect for law which is now seriously jeopardized.

I asked Mr. Atterbury whether prohibition had helped his employees—62,000 of them—on his railroad. He replied that prohibition had not helped them in any respect.

Next to the witness stand came Mr. Pierre S. du Pont, chairman of the board of the E. I. du Pont de Nemours Co., and until recently chairman of the board of directors of the General Motors Corporation.

Mr. du Pont appeared first as a direct witness, and again as a rebuttal witness. He covered the prohibition question so exhaustively in his two appearances before the committee that it is indeed difficult to prepare an adequate summary of his testimony. He not only reviewed the situation that existed in the several States with respect to liquor control before the ratification of the eighteenth amendment, but he also cited evidence to prove that not more than 5 per cent of the American people ever used intoxicating liquor to excess. In order to attempt to control the excess of the 5 per cent, the Congress had passed laws to control the habits of the other 95 per cent also.

Mr. du Pont in his direct testimony—pages 325 and 326 of the record—set up in contrast the legal situation existing in connection with the four prohibitive amendments to the Constitution. He pointed out that one of these amendments is the prohibition of the limitation of suffrage because of sex, another prohibits slavery, another is the prohibition of the limitation of suffrage because of race or previous condition of servitude, and the fourth is, of course, the eighteenth or prohibition amendment. It has never been necessary to enact legislation to enforce the prohibition of slavery or the woman suffrage amendment, and in 90 per cent of the territory of the United States the right of the negro to vote has been established, and therefore there is no legislation to enforce the fourteenth and fifteenth amendments. I now quote him direct:

Now we come to the eighteenth amendment, which is also a prohibitory amendment. We have found it necessary to put in force laws that are uncommon beyond any belief possible. We never thought when we went into this thing that enforcement acts of the kind that are now on the books would be necessary to enforce prohibition, a prohibition that would presumably be upheld by the people of the United States. It was supposed to have been upheld in a great many States before it was made national, but yet this enforcement act in its restrictions, in its penalties, and its methods of enforcement is rigorous beyond any conception heretofore. Now, why should it be that out of four prohibition amendments three automatically enforce themselves without any legislation, and the fourth requires this monstrous policy of legislation that we now have on our books? The only answer is that three of the amendments met with the approval of the people of the United States without any doubt whatever, and the fourth does not.

In his rebuttal testimony, Mr. du Pont made a careful analysis of the revenue losses of the United States on a basis of conditions existing in Great Britain and Quebec under regulation and control, respectively, and he also compared the results of the progress of temperance in those countries, without prohibition, to the movement away from temperance in the United States under prohibition. Again I make a direct quotation from his testimony, page 1209 of the record:

In order to determine the effect had we continued a license system in the United States, we may safely assume that the per capita consumption of intoxicating liquors could have been held to a figure no higher than that prevailing in Great Britain, and that we might have charged the same prices for liquor and followed the general practice of that country. Had we pursued such a course, there would have flowed to our governmental Treasury during the past 11 years approximately $14 per capita, or $1,600,000,000 per annum—a total for the 11 years of $17,654,000,000. That is on the British basis for 11 years. If we had operated under the Quebec system, in which the government obtains part of the wholesale profit on liquor, we would have added $3,500,000,000 to that, making a total of some 21 billions of dollars which would have flowed to the United States, or to the State governments, in taxes, had we continued the license system with the same prices they charge in England and with the same taxes.

That is the end of Mr. du Pont's direct quotation. From other testimony presented from official records it was shown that the arrests from drunkenness in England and Wales, with 40,000,000 population, under the system of regulation and high taxes that are now in force, are 5,000 a year less than the arrests for drunkenness in the city of Philadelphia, with less than 3,000,000 population, and 30,000 a year less than in the city of Chicago, with a little more than 3,000,000 population. On pages 1302 and 1303 you will find statistics taken from the official records of Great Britain showing that the per capita consumption of spirits under the existing policy was reduced from 0.70 of a gallon in 1913 to 0.28 of a gallon in 1928; that the consumption of beer was reduced from 27.76 gallons per capita in 1913 to 16.50 per capita in 1928; and that there had been a very slight increase in the per capita consumption of wine from 0.25 of a gallon in 1913 to 0.29 in 1928.

If anyone wishes to pursue the comparison of conditions under wise regulation and unwise prohibition any further, I suggest a comparison of the arrests for drunkenness in Greater London with those in Washington. You will find that the Capital City of Washington, with all the prohibition enforcement the National Government can give it, had in 1928 about 500 more than one-half as many arrests for drunkenness as London. The population of Washington is less than 500,000 and that of Greater London more than 9,000,000. On the basis of population about 10 citizens of Washington manage to get themselves arrested for drunkenness in spite of prohibition to 1 in London without prohibition. You should also bear in mind that the city of Washington has been made the model prohibition city of the United States under the enforcement stress of the distinguished gentleman who characterizes prohibition as a "noble experiment."

On the basis of these cold statistical analyses the United States has chucked from $17,500,000,000 to $21,000,000,000 of revenues into the sewers of the bootleggers' pockets during the past 11 years to create the sorry spectacle of making itself ten times as drunken as nations that have pursued a wise policy of liquor regulation and control.

It is manifestly impossible for me to review the testimony of the great procession of authors, physicians, ministers of the gospel, lawyers, editors, writers, scientists, Members of Congress, farmers, and women who appeared before the committee and demanded the repeal of the prohibition amendment in the interest of the restoration of clean government, sobriety, restitution of respect for law, and the destruction of the tremendous evils of the system of rum running, smuggling, moonshining, and home manufacture of liquors that have developed under the present system.

Let me, therefore, turn to the testimony of the drys for a brief review. The two star witnesses for the drys were Samuel Crowther, a writer on economic subjects, and Dr. Daniel A. Poling, long identified with the professional dry organizations.

Mr. Crowther came before the committee to testify on the economic effects of prohibition. His testimony was based upon a survey he had made for a series of articles for the Ladies' Home Journal, owned by the Curtis Publishing Co. I make the interesting observation that the Ladies' Home Journal is a very dry publication, and that the New York Evening Post, owned by Mr. Curtis, who heads the company that publishes the Ladies' Home Journal, is very wet. Mr. Curtis is also the owner of the Philadelphia Public Ledger.

Just as an interesting observation on the curiosities of the prohibition question, I might suggest that if any Member of Congress wishes to study the march of progress of the illicit distilling industry he will find some exceedingly interesting advertising pages in the Philadelphia Public Ledger, during the first few years of the noble experiment. While the Ladies' Home Journal was continuously printing articles lauding prohibition, for the benefit of its women subscribers, the Philadelphia Public Ledger was printing advertisement of stills, distilling equipment, and materials for the education of the men members of the family in the art of making booze in the cellar. I have thought this such an interesting exhibit that I have brought over from the Congressional Library some of the files of this publication—September, 1923—so that any dry Member of Congress who wishes to get a little inside information on this interesting art and science may, by consultation with these advertisements, find out exactly how the thing is done.

Mr. Crowther confined himself to an extremely narrow field. His economic interest in prohibition extended merely to the man who works in the factories. He reached the conclusion, after interviewing, by letter, a number of manufacturers, that the man who works with his hands is not spending as much money for liquor under prohibition as he was under the license system. However, he thought well-to-do people probably were spending more. He said:

> The evidence is conclusive that the workingmen are spending less for liquor; the evidence is equally conclusive that people with higher incomes are spending more for liquor.

He also admitted that the workingmen were making their own, but this to him had the virtue that it did not cost as much as the liquor the workingman bought in the saloon before prohibition. Therefore, although the people of higher incomes were spending more for liquor than before prohibition and the workingmen were making it in their homes, these facts were responsible for the great deluge of prosperity enjoyed by the Nation during the prohibition period.

He admitted, however, that the people of the country were probably spending a billion dollars a year for liquor under the prohibition law, forgetting apparently that the prohibitionists had given their solemn pledge to the country that the enactment of the eighteenth amendment would entirely suppress the drinking of liquor and bring about the millennium. But after 10 years this "impartial" investigator for the "bone-dry" Ladies Home Journal put in the record of the hearings the statement that a billion dollars a year are spent for liquor under the operation of "the noble experiment."

Mr. Crowther has written books about Henry Ford and for Henry Ford. He was therefore able, through his personal influence and at the request of persons he would not name, to get a marvelous telegram from Mr. Ford. I want to read that telegram as it appears on page 585, part 2, of the record:

> The eighteenth amendment is recognized by the men and women of our country. The women especially are the greatest force for the comfort and prosperity of the United States. I feel sure the sane people of this Nation will never see repeal or any dangerous modification.

That is the telegram as it appears in the record. If there are any literary magicians on the dry side of this Chamber I would like to have them interpret that telegram. What does it mean? "The eighteenth amendment is recognized by the men and women of our country. The women are the greatest force for the comfort and prosperity of the United States. The sane people will see no repeal or dangerous modification." What will the crazy people see? How, in what manner, have the people recognized the eighteenth amendment?

I think every member of the committee would have welcomed Mr. Ford as a witness. I, for one, would have enjoyed finding out what he meant by this involved telegram. One of my colleagues on the committee, I understand, had copies of two articles purporting to have been written by Mr. Ford in two different publications issued at the same time. In one of these articles Mr. Ford was credited with the statement that if booze came back in the United States—and I wish here to state that the man who offered this telegram as a master stroke for the drys testified that there was still a billion dollars worth of it floating around in this country—he would close his automobile factories, as he could not be bothered with drunken workmen, and would not be responsible for putting automobiles in the hands of drunken drivers. In the other article he was credited with the statement that he was now manufacturing all his farm tractors in Ireland, where there is no prohibition, and that he was building better tractors in Ireland than he was ever able to build in the United States. Moreover, the tractors built by Irish labor were admitted duty free into the United States.

It is also a curious fact that Mr. Ford is operating automobile factories in Canada, England, Germany, Russia, and many other foreign countries where there is no prohibition. I think it would have been enlightening to the country if Mr. Ford had come in person before the committee and had given the committee members an opportunity to examine him on these interesting facts. I think it possible if he had done that instead of sending a telegram, which I confess is meaningless to the average human mind, we should have been able to get from him some very interesting facts concerning his knowledge or lack of knowledge of prohibition. At least, I think he might have taken interest enough in the inquiry to have sent one of the breath smellers, which, according to the public press, are stationed at the gates of his factories to deny admission to anyone having an odor of liquor on his breath—although it is quite inconceivable how anybody in the United States, after 10 years of the nobility of the great experiment, could possibly find anything in the bone-dry United States to give pleasant aroma to his breath.

Then Mr. Crowther presented this equally remarkable telegram from Thomas A. Edison, which appears on the same page of the record:

> I still feel that prohibition is the greatest experiment yet made to benefit man. My observation is that its enforcement is generally at least 60 per cent, and is gaining, notwithstanding impression through false propaganda that it is a lower per cent. It is strange to me that some men of great ability and standing do not help to remove the curse of alcohol.

What a pity it was that Mr. Edison did not have before him the remarkable release of Prohibition Commissioner James M. Doran last Sunday, in which he publicly confessed the inability of the Federal Government to enforce the prohibition law. I assume that he would have classified that statement as "false propaganda," although it was paid for out of the $50,000 prohibition propaganda fund voted by Congress at the dictation of the Anti-Saloon League to broadcast the glories and splendors of prohibition to the American people.

Mr. Edison "feels" that enforcement is 60 per cent effective, after 10 years of experimenting, during which this Government has profligately wasted billions of dollars trying to make it effective, and after it has produced a reign of terror and lawlessness unparalleled in the history of this Republic.

Such was the keystone testimony that the drys inserted in the arch to support the prohibition structure.

Doctor Poling came raging with indignation at the slander of youth. He was going to prove that youth was not drinking. He offered some resolutions of some of the religious organizations with which he is connected and as the crowning proof some statements from the presidents of universities. Let me examine his statement critically. He sent telegrams to 62 university and college presidents asking them to wire him, collect, in answer to these interrogatories:

> Is student drinking general? In your opinion are American students drinking more or less since prohibition? Do you favor repeal or modification?

You will find this part of Doctor Poling's testimony on page 592. He got 31 replies to his 62 telegrams—just 50 per cent.

Of the 31 who replied he testified that 26 stated that they "believed" that student drinking is not general. Seventeen were willing to go on record against repeal or modification. Only 17 out of the 62 that he solicited answered as he wanted them to answer on this subject. Note that the 26 who answered with respect to student drinking merely expressed the "belief" that it was not general.

Observe that Doctor Poling's inquiry was addressed to the college and university presidents. Let me state here that if you will examine the Anti-Saloon League yearbooks you will find Doctor Poling's name running through nearly all the professional dry organizations. For years he has been one of the leading prohibition propagandists. But the best that he could do in the matter of student drinking was to bring before the committee the "belief" of 26 of the 62 university and college presidents.

But he unwittingly started something that did not leave him a leg to stand on. Instead of asking the students themselves whether they were drinking—and they are perhaps the only ones who have exact knowledge of their own habits—he asked the "prexies," who are usually too busy with other duties to set themselves up as snoopers and breath smellers. Further, most "prexies" are good business men. They would put a bar sinister upon their colleges by admitting that the students drink. That would discourage business.

But the students, through their college papers, decided to ask themselves the very questions that Doctor Poling had asked

the university presidents to answer in their behalf. Let me say that one of the organizations with which Doctor Poling is connected is the Intercollegiate Prohibition Association. It was shown in the Reed investigation that this organization is wholly subsidized by the Anti-Saloon League. For years it has worked among the colleges and universities trying to propagate prohibition sentiment.

The university and college newspapers, edited by the students themselves, took polls in which all the students were asked whether they drink, whether they get drunk, and what their sentiments are with respect to the prohibition law.

Turn to page 1299, volume 3, of the hearings. There is the record of the polls of the 17 great universities and colleges, including Amherst, Assumption, Brown, Colgate, Cornell, Dartmouth, Harvard, Lafayette, Michigan, Pennsylvania, Purdue, Pittsburgh, Princeton, Massachusetts Institute of Technology, Williams, New York University, Yale, and Rutgers. That is a thoroughly representative group of institutions of learning.

Of the students of these institutions, 10,210, or 34 per cent, answered that they do not drink; 19,593 answered that they do drink—66 per cent. In answer to the question, "Do you ever get drunk?" 9,417 answered "no" and 4,781 answered "yes."

On their sentiments toward the prohibition law 4,699, or 19 per cent of those participating in the polls, answered that they favored strict enforcement. Favoring modification, 12,299, or 50 per cent, and favoring repeal, 7,722. There were 20,121 students of these universities, or 81 per cent, who expressed themselves against prohibition in its present form.

There is the smashing answer of the students themselves to Doctor Poling and the Intercollegiate Prohibition Association, which he helped the Anti-Saloon League to set up among the students to propagandize them on the beneficence of the law. These are the conditions and the sentiments that prevail after 10 years of prohibition and 10 years of prohibition propaganda in the universities and colleges of this country.

That is the answer of the student youth of America to the fraudulent rule of conduct that you gentlemen of Congress have set up by statute for them to live by. They know it is a fraud. By their conduct they defy it. By their sentiments they despise it. With the rising of to-morrow's sun they will stamp it out. Unless you Members of Congress surviving the monumental prohibition folly of 1917, 1919, and 1920 read your stars correctly and fall in line to help undo the mischief that you have created by the enactment of this law you are going to be stamped out with it.

You can not fool the youth of this country by fraudulent, lying, unsound statutes for the regulation and control of human appetite. Witnesses may come before this Congress bearing false testimony on their views, but they are going to answer for themselves, through their college polls, to-day, and through the ballot box to-morrow.

I want to pay some attention to the testimony of Louis J. Taber, of Columbus, Ohio, master of the National Grange. For bald hypocrisy, if not absolute betrayal of the farmers of the United States whom he professed to represent, the statement of Mr. Taber stands without a parallel. From the statements that he made before the Judiciary Committee no other conclusion could be drawn than that the farmers of the United States were rolling in wealth due to the increased demand for all farm products caused solely by the enactment of the prohibition law. He described joyfully the increased production of rye, hops, sugar, beef, milk, oats, potatoes, wheat, beets, peas, buckwheat, rice, honey, garden vegetables, citrus fruits, butter—in fact, all farm products. This testimony will be found on pages 676 and 677 of the record, Part II.

I wish to make two direct quotations from his testimony. First:

> Sugar farmers have gained in dry years over wet ones.. In 1917 the United States produced 765,000 tons of beet sugar and in 1927 the crop was 1,062,000 tons. Cane sugar also had an increase. The per capita increase in sugar and sirups in 1915 was 87.9 pounds. In 1925 it was 116 pounds.

I want to make one more direct quotation before getting back to this increase in sugar consumption.

Again Mr. Taber said:

> Foes of prohibition clamorously declared that the legal ban on wines would be a death blow to grape farmers. Developments prove that those dire forebodings have not been substantiated. Grape-juice manufacturers in western New York say that before prohibition they paid $16 to $20 a ton for grapes; they are now paying $70 to $120. The late Doctor Welch said he paid twice as much for his grapes after the country went dry as he did before prohibition. Ohio grape growers state that before prohibition their crops sold as low as $12 and never higher than $25, but that they have been getting up to $100 since prohibition. Acreage has increased, with a noticeable shift toward table varieties. What is true of grapes is also true of all other fruits.

If those are not pictures of great prosperity for farmers, I do not know how to construe plain English. But if you will get serial A, part 8, of the hearings on agricultural relief before the Committee on Agriculture of the House you will find that Mr. Taber, on April 4, 1929, appeared before that body with this pathetic plea of the National Grange:

> The farm depression continues. It continues despite improvement in some farm commodity prices. It extends to all parts of the country. The National Grange recognizes the need for prompt action by Congress.

Before that committee Mr. Taber made an extended plea for relief for the distressed farmers of America. Before the House Judiciary Committee he pictured them as enjoying great prosperity. Not a word did he utter about farm depression or necessity for farm relief. He drew a glowing picture of industrial prosperity.

I assert that Mr. Taber either betrayed the farmers of the United States in his testimony before the House Judiciary Committee in his plea for prohibition, or he attempted, by false statements before the Agricultural Committee of the House, to influence the enactment of relief for the farmers to which they are not entitled and which they do not need.

But let me for a moment put some of his facts under the light of analysis. He shows that the increase in the consumption of sugar has been very large between 1915 and 1925—a per capita increase of a little over 26 pounds.

If Mr. Taber had taken the trouble to step into the office of Prohibition Commissioner Doran he would have found a record there that would have been very informing. That record shows that most of the moonshine stills captured by the prohibition enforcement bureau are operating on cane and beet sugar, and that enormous quantities of cane and beet sugar are being converted into whisky. On the basis of captures the first few months of this year it is perfectly plain that at least 100,000,000 gallons of cane and beet sugar whisky are being turned out of the moonshine stills of this country every year, in violation of the provisions of the eighteenth amendment and the national prohibition act.

Mr. Taber expressed himself as greatly devoted to the cause of law enforcement. If he is sincere, he should go to his beet and cane sugar producers and say to them:

"I am very sorry, gentlemen, but the records of the prohibition enforcement bureau show that large quantities of cane and beet sugar are being used for the manufacture of moonshine whisky. You know that is a violation both of the Constitution and the Volstead Act. You farmers are, in effect, accessories to these crimes by producing the materials from which this whisky is made. Therefore, you must stop the production of cane and beet sugar."

Then he should have gone to the corn farmers and said:

"The records show that vast quantities of corn sugar are used in the production of moonshine whisky. That is both unlawful and wicked. You must immediately stop the production of corn. We can not enforce the law if you continue to raise corn. It is much more important to have prohibition than it is to have corn, so therefore you must stop it. You must not furnish the materials used by the moonshiners for making drunkards out of our people."

What a beautiful picture of prosperity he paints for the grape growers. In part, he is right. The price of grapes has increased enormously. The consumption of grapes has increased enormously. But practically the entire production of grapes goes into the manufacture of wine in the home, and in the manufacture of grape juices and grape concentrates used for the production of every possible kind of wine and champagne. The prosperity of the grape farmer is due entirely to the use of grapes for making wine, partly legally under the exemptions of section 29 of the Volstead law, and partly illegally. The statistics introduced into the record show that there is anywhere between 150,000,000 to 500,000,000 gallons of wine manufactured from grapes, as contrasted with 50,000,000 gallons before prohibition.

But if our Grange friend had consulted the records of the Farm Relief Bureau, he would have found that the grape growers of California, in spite of the picture of great prosperity which he presented, were the very first to get a loan from the Farm Board. Perhaps that loan was for the purpose of planting larger crops of grapes to produce more wine to quench the thirst engendered by the national prohibition law.

If he had consulted the Department of Agriculture, he would have found two interesting facts. One is that the department certifies to the sugar content of the grapes upon shipment, which gives the purchaser exact information as to their wine-produc-

ing possibilities, and the other is that the department issues a publication showing how to convert them into just the right kind of juices for making wines.

If he had further consulted the Prohibition Enforcement Bureau, he would have found that this department, in its great solicitation for the welfare of the grape farmers, last August issued instructions to all prohibition-enforcement agents not to interfere with the shipment and sale of grapes for home juice purposes; not to raid homes in which they were being manufactured into juices, which is but another term for wine, and that the Prohibition Commissioner had written an article for the Fruit Grower, controlled by the grape growers, stating that the fruit juices manufactured in the home did not have to be limited to one-half of 1 per cent of alcohol, but might contain more.

The members of the Judiciary Committee desired to interrogate Mr. Taber concerning these facts. His testimony was given just before the adjournment hour, and he was instructed by the chairman to return the following Wednesday for cross-examination. This he failed to do.

I know of no professional dry who made a more studied effort either to deceive the Judiciary Committee of the House or the Agricultural Committee of the House than this master of the National Grange who professes to represent the farmers of the United States. It seems to me that the farmers might do well to get a real representative of their interests to head their National Grange instead of a prohibition propagandist.

You may run through the great mass of testimony offered by the drys, and you will find it all of the same flimsy character. It will not stand up in the face of facts and intelligent analysis. The monumental prohibition fraud was foisted upon the people by deception, and it has been sustained by deception. The records of the Anti-Saloon League show that the professional drys spent more than $50,000,000 to force the prohibition laws upon the country, and that the league alone has spent in excess of $20,000,000 during the past 10 years trying to sustain the law by the exercise of control over the Congress of the United States.

They came before the Judiciary Committee decrying the great newspapers and magazines for their exposures of the fraud and vice of prohibition. If they could only silence the press they then think they could force the people to obey. They seem to think that if they could only conceal the fact that the prohibition cancer is eating the vitals out of the Nation that it would cure itself. The intelligent victim of a cancer goes to his surgeon at the earliest possible moment and has the malignant tumor removed. He knows that unless he resorts to the heroic method he will pay with his life. But the philosophy of the professional drys is that the prohibition cancer must be left alone; that it must not be cut out, even though they say themselves that if present conditions are continued the Republic will be destroyed. They take the position that they would rather see the blood-bought institutions of this Government fall into ruin than give up the law which they forced upon it by use of the greatest propaganda fund in the history of the country, and by intimidation of the State and National legislatures.

No law can endure unless its foundation is laid upon the sound public sentiment of this country. No mere propaganda-made and propaganda-sustained law can long remain upon the statute books. The power that rules this Nation is intelligent public sentiment and not inflamed fanatical prejudices. We have seen that fanaticism can be fanned into such fury that it can embed an amendment into our Constitution and write laws on our statute books, but such amendments and such statutes can not be enforced against the will of a free people. "No law," said Abraham Lincoln, "is stronger than the sentiment in the community where it is to be enforced."

"Unfortunately," said Calvin Coolidge in unveiling the statue to the old circuit rider in Washington a few years ago, "There is no power by which the authority of law can be substituted for the virtue of man." The prohibition law is an attempt to substitute the authority of law for the virtue of man, and the facts so eloquently, ably, and forcefully voiced in the great hearings before the Judiciary Committee of the House have demonstrated that such attempted legislative folly is fraught with evils so malignant and far-reaching as to threaten the security upon which this Nation rests. A free people will not long tolerate the bondage into which they have been cast by such laws. The power of an indignant public sentiment is now sweeping across this continent. It will break the strangle hold of fanaticism on the throat of the Republic, it will uproot the despotic and tyrannical sumptuary laws; it will destroy the thing that has brought shame, corruption, and crime upon this country and its people, and in the end—not far distant—it will bring about intelligent legislation that will restore temperance in America and respect for law and American institutions. No law is worthy of respect unless it is respectable, and no legislative experiment, no matter how noble may have been its conception, can last unless it is founded upon the mature wisdom and judgment of the American people. Such are the lessons, or, perhaps, the warnings, brought to this Congress by the hearings on the prohibition question by the Judiciary Committee.

In conclusion I call attention to a very pointed paid "ad" in the Dallas Morning News during April of this year. It indicates something of the ground swell of prohibition in the State of Texas:

PATRIOTS, ATTENTION! PROHIBITION AND SLAVERY OR TEMPERANCE AND FREEDOM?—THIS IS THE ISSUE

President Wilson denounced prohibition!

President Harding disregarded it!

President Coolidge evaded it!

President Hoover has weaseled and refused to indorse it!

Prohibition must go! Four Chief Executives have failed to subscribe to a prohibition policy, it being conceived by fanatics creating nation-wide hypocrisy.

President Hoover chose as his successor to the office of Secretary of the United States Department of Commerce Col. Robert P. Lamont, a militant antiprohibitionist, who resigned as a director of the Association Against the Prohibition Amendment and accepted a Cabinet appointment to fill the Hoover shoes.

President Hoover as war-time Food Administrator supported President Wilson in his denunciation and veto of the Volstead Act. Now he can only refer to prohibition as a "noble experiment."

National disregard for the eighteenth amendment discloses the fact that the people of no community are in good faith zealous for the enactment. Its attempted enforcement has divided households, families, churches, neighborhoods, municipalities, States, and the Nation into discordant factions.

The Literary Digest poll to date reflects public repudiation of the eighteenth amendment, both in Texas and the Nation.

Heretofore such an "ad" in "dry" Texas would be unthinkable.

"Wet" ferment is working all over the country. Soon the wine of liberalism will again be with us.

MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES—CONFERENCE REPORT

Mr. HAUGEN. Mr. Speaker, I call up the conference report on the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up a conference report on the bill S. 108, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That when used in this act—

"(1) The term 'person' includes individuals, partnerships, corporations, and associations;

"(2) The term 'Secretary' means the Secretary of Agriculture;

"(3) The term 'interstate or foreign commerce' means commerce between any State or Territory, or the District of Columbia and any place outside thereof; or between points within the same State or Territory, or the District of Columbia but through any place outside thereof; or within the District of Columbia;

"(4) The term 'perishable agricultural commodity' means any of the following, whether or not frozen or packed in ice: Fresh fruits and fresh vegetables of every kind and character;

"(5) The term "commission merchant" means any person engaged in the business of receiving in interstate or foreign commerce any perishable agricultural commodity for sale, on commission, or for or on behalf of another;

"(6) The term "dealer" means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a "dealer" in respect of sales of any such commodity of his own raising; and (B) no person buying any such commodity solely for sale at retail shall be considered as a "dealer" in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of 20. Any person not considered as a "dealer" under clauses (A) and (B) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a "dealer." As used in this paragraph, the term "in carloads" includes corresponding wholesale or jobbing quantities as defined for any such commodity by the Secretary;

"(7) The term "broker" means any person engaged in the business of negotiating sales and purchases of any perishable agricultural commodity in interstate or foreign commerce for or on behalf of the vendor or the purchaser, respectively;

"(8) A transaction in respect of any perishable agricultural commodity shall be considered in interstate or foreign commerce if such commodity is part of that current of commerce usual in the trade in that commodity whereby such commodity and/or the products of such commodity are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where sale is either for shipment to another State, or for processing within the State and the shipment outside the State of the products resulting from such processing. Commodities normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this act.

"UNFAIR CONDUCT

"SEC. 2. It shall be unlawful in or in connection with any transaction in interstate or foreign commerce—

"(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

"(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought or sold in interstate or foreign commerce by such dealer;

"(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

"(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement concerning the condition, quality, quantity, or disposition of, or the condition of the market for, any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold or contracted to be bought or sold in such commerce by such dealer; or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any such transaction in any such commodity to the person with whom such transaction is had;

"(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or the country in which such commodity was actually produced;

"(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice, placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced.

"LICENSES

"SEC. 3. (a) After the expiration of six months after the approval of this act no person shall at any time carry on the business of a commission merchant, dealer, or broker without a license valid and effective at such time. Any person who violates any provision of this subdivision shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues, which shall accrue to the United States and may be recovered in a civil suit brought by the United States.

"(b) Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application. Upon the filing of the application and annually thereafter, the applicant shall pay a fee of $10.

"SEC. 4. (a) Whenever an applicant has paid the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, but said license shall automatically terminate unless the annual fee is paid within 30 days after notice has been mailed that payment is due.

"(b) The Secretary shall refuse to issue a license to an applicant if after notice and hearing he finds (1) that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 2 for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked, or (2) in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously been responsible in whole or in part for any violation of the provisions of section 2 for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest, was revoked. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of this act, but such license shall not be issued before the expiration of one year from the date of such revocation.

"LIABILITY TO PERSON DAMAGED

"SEC. 5. (a) If any commission merchant, dealer, or broker violates any provision of paragraph (1), (2), (3), or (4) of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation.

"(b) Such liability may be enforced either (1) by complaint to the Secretary as hereinafter provided, or (2) by suit in any court of competent jurisdiction; but this section shall not in any way abridge or alter the remedies now existing at common law or by statute, and the provisions of this act are in addition to such remedies.

"COMPLAINT AND INVESTIGATION

"SEC. 6. (a) Any person complaining of any violation of any provision of section 2 by any commission merchant, dealer, or broker may, at any time within nine months after the cause of action accrues, apply to the Secretary by petition, which shall briefly state the facts, whereupon, if, in the opinion of the Secretary, the facts therein contained warrant such action, a copy of the complaint thus made shall be forwarded by the Secretary to the commission merchant, dealer, or broker, who shall be called upon to satisfy the complaint, or to answer it in writing, within a reasonable time to be prescribed by the Secretary.

"(b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person, may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of section 2 by any commission merchant, dealer, or broker, and may request an investigation of such complaint by the Secretary.

"(c) If there appears to be, in the opinion of the Secretary, any reasonable grounds for investigating any complaint made under this section, the Secretary shall investigate such complaint and may, if in his opinion the facts warrant such action, have said complaint served by registered mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the said person is engaged in business.

"(d) After an opportunity for a hearing on a complaint the Secretary shall determine whether or not the commission merchant, dealer, or broker has violated any provision of section 2.

"(e) In case complaint is made by a nonresident of the United States before any action is taken thereon, that the

complainant shall be required to furnish a bond of double the amount of the claim, the bond to be conditioned upon the payment of costs, including attorney's fees of respondents, in case of failure to sustain the case.

"REPARATION ORDER

"SEC. 7. (a) If after a hearing on a complaint made by any person under section 6 the Secretary determines that the commission merchant, dealer, or broker has violated any provision of paragraph (1), (2), (3), or (4) of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order.

"(b) If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

"SUSPENSION AND REVOCATION OF LICENSE

"SEC. 8. Whenever the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, he may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed 90 days, except that, if the violation is a flagrant or repeated violation of such provisions, the Secretary may, by order, revoke the license of the offender.

"ACCOUNTS AND RECORDS

"SEC. 9. Every commission merchant, dealer, and broker shall keep such accounts, records, and memoranda as fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. If such accounts, records, and memoranda are not so kept, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed 90 days.

"EFFECTIVE DATE AND FINALITY OF ORDER

"SEC. 10. Any order of the Secretary under this act other than an order for the payment of money shall take effect within such reasonable time, not less than 10 days, as is prescribed in the order, and shall continue in force until his further order, or for a specified period of time, accordingly as it is prescribed in the order, unless such order is suspended, modified, or set aside by the Secretary or is suspended, modified, or set aside by a court of competent jurisdiction. Any such order of the Secretary, if regularly made, shall be final, unless before the date prescribed for its taking effect application is made to a court of competent jurisdiction by the commission merchant, dealer, or broker against whom such order is directed to have such order set aside or its enforcement, operation, or execution suspended or restrained.

"INJUNCTIONS

"SEC. 11. For the purposes of this act the provisions of all laws relating to the suspending or restraining of the enforcement, operation, or execution, or the setting aside in whole or in part, of the orders of the Interstate Commerce Commission are made applicable to orders of the Secretary under this act and to any person subject to the provisions of this act.

"GENERAL PROVISIONS

"SEC. 12. The Secretary may report any violation of this act for which a civil penalty is provided to the Attorney General of the United States, who shall cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay. The costs and expenses of such proceedings shall be paid out of the appropriation for the expenses of the courts of the United States.

"SEC. 13. (a) In the investigation of complaints under this act, the Secretary or his duly authorized agents shall have the right to inspect such accounts, records, and memoranda of any commission merchant, dealer, or broker as may be material for the determination of any such complaint. If any such commission merchant, dealer, or broker refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or, by order, suspend the license of the offender until permission to make such inspection is given.

"(b) The Secretary, or any officer or employee designated by him for such purpose, may hold hearings, sign and issue subpœnas, administer oaths, examine witnesses, receive evidence, and require by subpœna the attendance and testimony of witnesses and the production of such accounts, records, and memoranda as may be material for the determination of any complaint under this act.

"(c) In case of disobedience to a subpœna, the Secretary or any of his examiners may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of accounts, records, and memoranda. Any district court of the United States within the jurisdiction of which any hearing is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, issue an order requiring the person to appear before the Secretary or his examiner or to produce accounts, records, and memoranda if so ordered, or to give evidence touching any matter pertinent to any complaint; and any failure to obey such order of the court shall be punished by the court as a contempt thereof.

"(d) The Secretary may order testimony to be taken by deposition in any proceeding or investigation or incident to any complaint pending under this act at any stage thereof. Such depositions may be taken before any person designated by the Secretary and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce accounts, records, and memoranda in the same manner as witnesses may be compelled to appear and testify and produce accounts, records, and memoranda before the Secretary or any of his examiners.

"(e) Witnesses summoned before the Secretary or any officer or employee designated by him shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

"(f) No person shall be excused from attending, testifying, answering any lawful inquiry, or deposing, or from producing any documentary evidence, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, in any cause or proceeding, based upon or growing out of any alleged violation of this act, or upon the taking of any deposition herein provided for, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise, before the Secretary or any officer or employee designated by him, in obedience to the subpœna of the Secretary, or any such officer or employee, or upon the taking of any such deposition, or in any such cause or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"SEC. 14. The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies, and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and sub-

sistence incurred by inspectors shall be paid by the applicant for inspection to the disbursing clerk of the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further*, That certificates issued by such inspectors shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

"SEC. 15. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. This act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this act; but it is intended that all such statutes shall remain in full force and effect except in so far only as they are inconsistent herewith or repugnant hereto.

"SEC. 16. In construing and enforcing the provisions of this act the act, omission, or failure of any agent, officer, or other person acting for or employed by any commission merchant, dealer, or broker, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of such commission merchant, dealer, or broker as that of such agent, officer, or other person.

"SEPARABILITY

"SEC. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

"SHORT TITLE

"SEC. 18. This act may be cited as the 'perishable agricultural commodities act, 1930.'"

And the House agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
D. H. KINCHELOE,
Managers on the part of the House.

CHAS. L. MCNARY,
JOS. E. RANSDELL,
JNO. THOMAS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 108) to suppress unfair and fraudulent practices in the marketing of perishable agricultural commodities in interstate and foreign commerce, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause. The substitute agreed to by the committee of conference retains all of the provisions of the House amendment with the exception of paragraph (9) of section 1 and paragraph (7) of section 2.

Paragraph (9) of section 1 of the House amendment exempted packers, as defined in the packers' and stockyards' act, 1921, in the case of transactions of live or dressed poultry and eggs, from the operation of the bill. This provision is no longer necessary in view of the fact that the House struck out the provisions relating to live or dressed poultry and eggs.

Paragraph (7) of section 2 of the House amendment declared it to be unlawful for any commission merchant, dealer, or broker to conspire, combine, agree, or arrange with any other person to manipulate or control prices of any perishable agricultural commodity in interstate or foreign commerce.

G. N. HAUGEN,
FRED S. PURNELL,
D. H. KINCHELOE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Iowa knows that paragraph (7) of section 2 was controverted and contested in the House, and that an effort to eliminate it was defeated in the House. He now brings up this conference report when the attention of the House is entirely upon something else. It seems to me that the House ought to have had notice of the action of the conferees and that the conference report should not be brought up suddenly in this way.

Mr. HAUGEN. Mr. Speaker, it is true, as the gentleman states, that the effort to eliminate that section was defeated in the House, but the matter was taken up by the Senate conferees and they insisted on their amendment.

Mr. LAGUARDIA. The section stricken out is the section which relieves persons conspiring to violate the law from all responsibility.

Mr. HAUGEN. They are covered in other acts, and it is not necessary to have the provision in this act.

Mr. LAGUARDIA. But that was adopted on the floor of the House, and the House voted to leave it in.

Mr. HAUGEN. That is true.

Mr. DYER. This report eliminates the poultry and egg provision.

Mr. HAUGEN. Yes.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TREE-PLANTING OPERATIONS IN NATIONAL FORESTS

Mr. HAUGEN. Mr. Speaker, I call up a conference report upon the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa calls up a conference report on the bill S. 3531, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That the Secretary of Agriculture is hereby authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by this act: *Provided*, That nothing in this act shall be deemed to restrict the authority of the said Secretary under other authority of law.

"SEC. 2. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1932, not to exceed $250,000; for the fiscal year ending June 30, 1933, not to exceed $300,000; for the fiscal year ending June 30, 1934, not to exceed $400,000; and for each fiscal year thereafter not to exceed $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

"SEC. 3. The Secretary of Agriculture may, when in his judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money, in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), or (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber: *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and

forest-improvement work, as the Secretary of Agriculture may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to Miscellaneous Receipts, Forest Reserve Fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park."

And the House agree to the same.

G. N. HAUGEN,
FRED S. PURNELL,
D. H. KINCHELOE,
Managers on the part of the House.
CHAS. L. MCNARY,
G. W. NORRIS,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (S. 3531) authorizing the Secretary of Agriculture to enlarge tree-planting operations on national forests, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause. One of the differences between the House amendment and the Senate bill was that the House amendment only authorized appropriations to be made for a period ending June 30, 1934, whereas the Senate bill provided for an appropriation of not to exceed $1,000,000 for the fiscal year ending June 30, 1935; of not to exceed $1,500,000 for the fiscal year ending June 30, 1936; of not to exceed $2,000,000 for the fiscal year ending June 30, 1937, and of such amounts as may be necessary for each fiscal year thereafter. The substitute agreed to by the committee of conference retains the provisions of the House amendment with an amendment authorizing a sum of not to exceed $400,000 to be appropriated for each fiscal year after the fiscal year ending June 30, 1934.

G. N. HAUGEN,
FRED S. PURNELL,
D. H. KINCHELOE,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ORDER OF BUSINESS

Mr. DENISON. Mr. Speaker, because I do not want to delay the proceedings of the Judiciary Committee at this time, I give notice that I shall call up at the close of the day's business a conference report on a bridge bill.

Mr. LAGUARDIA. Is that the omnibus bridge bill?

Mr. DENISON. Yes.

LEAVE TO ADDRESS THE HOUSE

Mr. BACHMANN. Mr. Speaker, I ask unanimous consent that on Friday next, after the disposition of business on the Speaker's table, I may be permitted to address the House for 30 minutes upon the question of congestion in State and Federal penitentiaries.

The SPEAKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 15 seconds.

The SPEAKER. Is there objection?

There was no objection.

Mr. SABATH. Mr. Speaker, all I desire to state is that, because of illness, I was absent yesterday and therefore deprived of the privilege of casting my vote for the Spanish War veterans' bill. Had I been present, I would have voted, with pleasure, for the bill.

Mr. GARNER. Mr. Speaker, would it not be better to put a unanimous-consent request that all Members who were not here yesterday be permitted to declare themselves against the President? So far there has not been a single one who has appeared to take his side, and I would like the RECORD to show that every Member is given this opportunity to declare himself against the President.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object, because if Members want to express their views as being opposed to the President, they should have been here and have voted yesterday.

BILLS FROM THE COMMITTEE ON THE JUDICIARY

Mr. PURNELL. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 232, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 232

Resolved, That upon the adoption of this resolution the Committee on the Judiciary shall have Tuesday, June 3, for the consideration under the general rules of the House of the following bills: H. R. 12056, H. R. 10341, H. R. 9937, H. R. 9985, H. R. 6806, H. R. 9601, H. R. 2903, this rule not to interfere with privileged business.

Mr. PURNELL. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PURNELL: Line 5, strike out "H. R. 6806" and "H. R. 9601" and insert in lieu thereof "Senate 1906" and "Senate 3493."

Mr. PURNELL. Mr. Speaker, I offer this amendment for the reason that similar bills are already on the Speaker's table. Senate 3493 is in identical language with H. R. 9601, which provides for an additional circuit judge for the third judicial circuit; and Senate 1906, which is in identical language with H. R. 6806, provides for an additional judge for the fifth judicial circuit.

Now, Mr. Speaker and ladies and gentlemen of the House, I want to take only about two minutes in presenting this resolution. If this resolution is adopted and amended in the manner suggested by the amendment which I have just offered, it will provide for this day for the use of the Committee on the Judiciary for the purpose of calling up the specific bills which are set out in the resolution. I shall not take any time in discussing the merits of these separate bills, and shall only refer to one matter in presenting the resolution.

It was the understanding when the Committee on the Judiciary requested this rule, and it was so understood at the time the resolution was reported by the Committee on Rules, that these bills should be called up in the order named in the resolution, although the rule itself does not specifically so state. It was the understanding that the three bills providing for the appointment of additional judges should be called up last and that the four bills that constitute what we know and which may be referred to as the President's program or the series of bills recommended by the National Commission on Law Observance and Enforcement shall be called up first; and the Committee on Rules, which is responsible for this resolution, assumes that the Committee on the Judiciary will call these bills up in that order.

Mr. DYER. Mr. Speaker, will the gentleman state why the Committee on Rules did not provide for the consideration of all bills reported by the Committee on the Judiciary for additional judges and why they singled out only three of them?

Mr. PURNELL. I yield to the gentleman from Michigan [Mr. MICHENER], who is a member of the Committee on the Judiciary. He can answer.

Mr. MICHENER. As a member of the Committee on the Judiciary, I asked for a rule covering all the bills for additional judges, but the committee in the rule included only those which had the approval of the judicial council and the Department of Justice.

Mr. DYER. And none of the others had the approval of the judicial council and the Department of Justice?

Mr. MICHENER. I think not.

Mr. CRAIL. Is it not true that the bills providing for additional judges in California were approved by the judicial council and the Department of Justice and passed by the Senate?

Mr. MICHENER. What was done in the Senate has nothing to do with the action of the House, but as I recall, that bill was not recommended by the judicial council.

Mr. CRAIL. The gentleman from West Virginia [Mr. BACHMANN] can answer that.

Mr. PURNELL. Mr. Speaker, I yield 30 minutes to the gentleman from New York [Mr. O'CONNOR].

The SPEAKER. The gentleman from New York is recognized for 30 minutes.

Mr. O'CONNOR of New York. Mr. Speaker, I ask that the Speaker notify me when I shall have consumed 15 minutes.

Mr. Speaker, ladies and gentlemen of the House, I am not going to spend any time talking about the bills before us to-day which create two additional judges for the Supreme Court of

the District of Columbia and an additional circuit judge in each of the third and the fifth circuits. I am going to talk principally about the rule as it applies to the other bills. I am against the bills to create additional Federal judges, having been consistently against such bills, because I am a Democrat. Being a Democrat, I can not reconcile my Democratic principles with voting to increase the Federal judiciary when I recall the tyranny of its past and its deplorable present, its interference and usurpation of State and local rights. Nor can I understand how any Democrat can vote for any bill to augment the Federal judiciary. I welcome an opportunity to vote to abolish it.

This rule before the House provides that the Committee on the Judiciary shall be given a whole day to consider bills, principally those supported by the Law Enforcement Commission, at the head of which is former Attorney General Wickersham. Of course this rule would not have been reported if the administration were not behind the measures. It is interesting to note in passing, however, that the present Attorney General does not specifically indorse any of the bills. He merely passes on to Congress the recommendations of the commission.

Mr. BACHMANN. Mr. Speaker, will the gentleman yield there?

Mr. O'CONNOR of New York. Yes.

Mr. BACHMANN. Do I understand the gentleman is opposed to all the judge bills?

Mr. O'CONNOR of New York. Yes.

Mr. BACHMANN. Is the gentleman opposed also to filling the place of Judge Winslow, who resigned in the southern district of New York, and where a successor was stated, in the report of the judicial conference, signed by the late Judge Taft, to be badly needed in the southern district of New York?

Mr. O'CONNOR of New York. Yes, sir. I am opposed to that also. I would rather permit that vacancy to stand as a monument to remind us of the corruption that went on while it was filled and is still going on in the Federal courts.

This rule provides for the consideration of all these bills "under the general rules of the House." But, gentlemen, these of the so-called "commission" bills are House bills now on the House Calendar. In the Committee on Rules—and as it was not an executive session, I am permitted to say that—I tried to have all these bills read and considered under the 5-minute rule, so that there would be ample opportunity for amendment.

Now, since three of the bills are House bills, unless the chairman of the Committee on the Judiciary or the member of the Committee on the Judiciary having charge of the bills specifically yields for the purpose of amendment, no amendment can be offered, let alone considered, and the bill is never read for amendment, and they are going to be railroaded through this House. I so predict, ladies and gentlemen.

Now, imagine, if you can, that the Committee on the Judiciary were made up of a majority of members favoring a modification of the present prohibition law—imagine such a contingency, if you can, and suppose a bill was reported by that committee for the consideration of a proposition to modify the Volstead law. Do you believe that bill would be railroaded to passage through the House? Why, it would have been given days and days for debate, and all possibilities of amendment and all possibilities of debating under the 5-minute rule would be granted. That is my first objection to the rule, but such is the atmosphere surrounding this prohibition question that even fairness does not prevail.

Whether the chairman of the Judiciary Committee is going to allow an opportunity to offer amendments I do not know, but I am willing to hazard a guess that he will not. Watch! The chairman of the Committee on the Judiciary or the Member in charge can move the previous question on the bills at any time and thus shut off debate. That will be done, I feel sure. If the bills are important enough for the great Committee on the Judiciary to spend six months considering, they should not pass this House, I submit here, as House bills without being read under the 5-minute rule for amendment.

Mr. CELLER. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield.

Mr. CELLER. Do I understand the gentleman to say that in the consideration of the various bills there will be no opportunity accorded any Member to offer amendments without the consent of the chairman of the committee?

Mr. O'CONNOR of New York. Exactly. That is the parliamentary situation in connection with the three House bills.

Now, gentlemen, what are these four bills? They are offered here in great seriousness the sum total contribution of "the best minds" of the country and the best legal minds of the House for the solution of the greatest problem which has confronted this country since the days of slavery; a problem that is more widespread, more talked about, and more far-reaching than any other question before the country in the past half century. So acute is the question that it is the chief issue in a great primary election to be held in New Jersey next week to nominate a Republican candidate for the United States Senate. In the campaign preceding that primary there has been and will be no other question discussed than the "wet" and "dry" question. The attitude of the Republican voters of New Jersey on the sole question of prohibition will determine the result.

Somebody has said in referring to these bills, "The mountain labored and brought forth a mouse." It is dignifying these four measures to call them a mouse. If that is all that can be contributed to the solution of this great perplexing problem of prohibition, then, I submit, jurisdiction over such questions should be taken away from the Committee on the Judiciary and given to some other committee or to some other body.

What do the bills amount to? They represent a compromise with a principle. They bear on their face the express admission by the advocates of prohibition that enforcement to date has been a failure.

They are unequivocal confessions that the Jones law never should have been enacted. Even the great lawyers on the Judiciary Committee are compromising with their legal intelligence and their principles of justice. But that attitude of compromise is prevalent throughout the country. The President compromised when he appointed this law-enforcement commission. In his campaign he led the country to believe he would do something toward looking into a modification of the prohibition law. When he appointed this commission, headed by a liberal, he merely hamstrung them so that they dared not go to the meat and substance of the question, but confined themselves to the mechanics of enforcement. Why, this compromise even pervades our Supreme Court. The members of that body, knowing that the eighteenth amendment and its consequent legislation violates the traditions of American liberty and justice, recently compromised when they held the purchaser of liquor not guilty of any offense. Not daring to go to the logical conclusion and further arouse the people, they fell upon a legalistic technicality.

I always appreciate, when this subject is being discussed, that the ordinary attention or niceties do not prevail, as evidenced by the confusion now going on in this Chamber. I may at times be guilty of some transgression myself, but in my calm moments I feel deeply that this question is so far-reaching and goes so deeply into the concern of our Government and our people that arguments on both sides should be listened to with at least gentlemanly respect.

This is not a question of locality or race or age. So widespread is this all-absorbing problem of prohibition that I make the assertion, after due reflection and not as an attack upon anybody, that I do not believe there is one individual in this country who obeys this law in spirit. There may be some who obey the letter of the law, but if he or she desires to drink, if he or she wants to buy a drink, is there one who has any deep-seated conscientious feeling about it? In the great poll taken by the Literary Digest over 69 per cent of over 4,000,000 people who voted stated openly and willingly and positively that they were opposed to prohibition. Is that not proof in itself that the present law is unsound? Why, if only 1,000,000 voted they were opposed to it a serious question would be raised for earnest consideration by our Government.

Mr. STALKER. Will the gentleman yield?

Mr. O'CONNOR of New York. I will yield, but I would like to have the gentleman yield to me some time. He usually refuses to debate. Will the gentleman yield to me some time when he has the floor? His answer is to sit down? Well, I shall yield, anyway.

Mr. STALKER. Would the gentleman prefer a vote at the polls rather than the poll of the Literary Digest?

Mr. O'CONNOR of New York. Yes.

Mr. STALKER. In the same way that Members of Congress are elected?

Mr. O'CONNOR of New York. Yes. But let me answer that in this way, as I have answered it before. If there were a vote at the polls, a referendum on the repeal of the eighteenth amendment and the vote was to the effect that the eighteenth amendment shall not be repealed, still if, say, five or ten million people voted to repeal it, there is something fundamentally wrong with the law. Furthermore, let me say to the gentleman, that no referendum would ever bind me. I would not submit to any referendum on such a question if I was the only one left to vote for its repeal, and everybody voted against it.

Mr. STALKER. The gentleman believes that the majority should rule, does he not?

Mr. O'CONNOR of New York. Not on a question of principle like that, nor does the gentleman himself so believe. Let me say to the gentleman from New York [Mr. STALKER] that if a vote

in his State or his district resulted in favor of the repeal of the eighteenth amendment I am confident the gentleman would still be here in his place, if elected, of course, advocating prohibition as he has always done as one of its leaders. I would not criticize him for continuing to stick to his principles even though such action might run counter to the expression of his constituency. He has already taken this personal position. His State of New York has already expressed itself by a majority of over one-half a million as opposed to the prohibition law, but still the gentleman continues to be the "bill introducer" for the McBrides and the Cannons. Practically all of the gentleman's Republican colleagues from New York stubbornly continue to misrepresent the attitude of their districts on the question of prohibition. They are still "dry" long after their State and districts have voted "wet." I will name them if the gentleman insists.

As for myself, let me say that if a referendum resulted in maintaining the eighteenth amendment, I would still be here advocating its repeal. One's duty to represent his people goes so far—never against his sincere convictions. Among the several bills to be considered to-day is one known as the "one-gallon" bill, a supplement of the "five-and-ten" bill. Such a bill is an insult to the intelligence of the people. Every dry should surely vote against such a bill. The only reason I shall vote for it is that it breaks down a vicious law, the Jones law, which I fought and voted against and still despise. I would vote, if I had the chance, to free the man who sold a gallon or sold a barrel of liquor—so much do I hate prohibition. If a man sells a gallon of whisky and violates this "noble experiment," theoretically he ought to be punished as much as the fellow who sells a barrel, and you are compromising with your own principles when you take any other position, if you ever favored prohibition.

There is a spirit that pervades all these bills, and it is just this: So rabid, so fanatical, and so emotional is the attitude of mind of the prohibitionists in this country, and to such a high state have they worked up their advocates in the Halls of Congress, that they want now all trials of prohibition cases, the trials of men and women for their liberty, to be held without a jury. Every bill points in that direction. Why, even that little bill which looks so innocent, that Christopherson bill, which defines "petty offenses"—that is just a part of the scheme. From the beginning the prohibitionists have aimed at making every offense against the prohibition laws a civil offense. They have to date nearly done that with their injunction proceeding. Now they dare to go further in their efforts to put over their great "crusade," under the banner of the Anti-Saloon League, that philanthropic company "born of God." What a sacrilege, to so take the name of God in vain. Born of God? Born of Mammon is the cold, unvarnished truth! Born of Mammon, not born of God. But in their mad desire to accomplish their persecutions they are now going to deprive men and women of their constitutional right of trial by jury, and ultimately—and, mark you, they are going further, so drunk are they now—they are going to send men to jail without any trial whatsoever. That is what lies before us.

Mr. McKEOWN. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. McKEOWN. Does the gentleman mean to say they are going to take up these bills, and not have any discussion of them and not give a chance for the offering of amendments to bills which deprive men of their constitutional right to a trial by jury?

Mr. O'CONNOR of New York. Yes. They can do that if they want to, and I would not be surprised if they do, because this subject of prohibition is so passionate. The same objection lies to the Moore bill. With all due respect to the distinguished gentleman from Virginia, who introduced it in all good faith, I am sure the Moore bill is part and parcel of the scheme to try prohibition violations as civil cases, try them in star chamber, try them without any jury; aye, without witnesses, if you will. The Moore bill goes hand-in-hand with the other un-American bills, all saying that a man shall lose his right to a trial by jury, by waiver or through procedural trickery. When the ultimate goal of the McBrides and the Cannons shall be reached, the persecutions which existed in olden days will return—witch burning, if you will. That is the spirit behind the whole dry movement, and I say that sincerely and after mature reflection.

Now, gentlemen, my prime purpose in taking this time is to point out to you that these bills, although individually they may appear innocent and harmless, are part of a scheme wholly vicious in character. I am not able to understand how any lawyer could advocate any of them, and least of all the "commissioner" bill, unless he is an ardent dry and sacrifices all the learning and traditions of his profession upon the altar of commission. How can any lawyer vote to wipe out the right of trial by jury—the keystone of Anglo-Saxon freedom—which was wrung from King John 715 years ago at Runnymede?

Mr. BACHMANN. Will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BACHMANN. Did I understand the gentleman to say in the beginning of his remarks that none of these bills will be open to amendment?

Mr. O'CONNOR of New York. There will not be without the permission of the chairman of the Judiciary Committee or the member who has them in charge.

Mr. LAGUARDIA. With the grace, not even permission.

Mr. O'CONNOR of New York. That is usually the situation with reference to this "holier-than-thou" subject of prohibition, this great "moral" question, moral by law—this thing "born of God," which overrides all constitutions, all fair play, and all decency between men and women when discussion takes place in reference to it. [Applause.]

Mr. Speaker, I reserve the balance of my time and yield seven minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker and gentlemen of the House, this is the first time in my long service in the House that I have observed the Rules Committee coming in with a rule making in order in one-half of a day seven important bills and that under a rule which really precludes any amendments. I know that if the chairman of the Judiciary Committee had charge of the bills he is broad enough to permit the Members having an opportunity to offer amendments, but I suspect that some of the bills will be in charge of gentlemen who are not as liberal or as fair as the chairman of the Judiciary Committee and that privilege will not be accorded to those of us who are endeavoring to bring about the amendment of some of these unjustifiable, un-American, and harsh bills.

A few minutes ago the gentleman from Minnesota made a speech and was very much applauded, not however, when or because he stated that in the city of Detroit there are 50,000 people out of employment.

Why, Mr. Speaker and gentlemen of the House, not only in the city of Detroit but in every city of the United States we find thousands and thousands of men walking the streets pleading for employment, pleading for work. Why should not the Rules Committee bring out a bill that would relieve or aim at relieving the intolerable conditions that now exist—the wonderful and glowing prosperity under prohibition! We have several such bills pending. There is the Senate bill known as the Wagner bill and others passed by the Senate, but the Rules Committee has failed to take notice of any of them. They are bills that might bring about some relief, or at least partial relief for some of the millions of unemployed. Instead of filling shops and factories you devote your energies to how to fill the jails. But this does not interest the Anti-Saloon League.

What do they care if the people are out of employment and starving so long as they are prosperous? Yes; to them prohibition did bring prosperity, as is shown by the thousands of them on the pay rolls of the Government and the others that are dividing the "swag," and as is shown by their reports that out of nearly $6,000,000 collected over 90 per cent has been given either to their friends or relatives of understudies for the collection of these funds. Now they must have more legislation to keep alive the issue and to demonstrate that they are still all powerful and that this House must do the bidding of Bishop Cannon and Clarence True Wilson and the Anti-Saloon League.

Oh, I say to you, gentlemen of the House, you would better think twice before you force through this legislation to deprive the people of their rights guaranteed them by the Constitution. This is a serious question. What these bills aim to do is to deprive people of the right of trial by jury, and I say that when you go that far as to deprive the American people of this great privilege you are doing something that you may very shortly regret, because the American people will not stand for any legislation that deprives them of that inherent constitutional right, a trial by jury.

A short while ago the gentleman from West Virginia asked for 30 minutes that he might make a report on the overcrowding of the jails and penitentiaries. If you would study some of the reports that have already been made, you would be horrified with respect to existing conditions. What you are going to do to-day by the passage of this bill is to make possible further persecution, as directed by the Anti-Saloon League and allied organizations, including the Wickersham Commission, and under these rules is, first, under the innocent Moore bill (H. R. 12056) giving the defendant the right of waiving his right of trial by jury. Anyone familiar with the practices in the police courts, which is true to-day in the Federal courts, knows of the bulldozing prosecuting attorneys or unfair judges, who can and do bulldoze the poor defendant, who is unable to procure a

lawyer, into signing away his constitutional right which entitles him to a trial by jury.

I am satisfied that thousands upon thousands of such defendants before they know what they are doing will be signing away that great right and privilege, with the result that the next bill, known as the Christopherson bill (H. R. 10341), they will be sentenced to a 6-months term in jail or a $500 fine on so-called minor offenses designated in this bill as misdemeanors. Oh, what liberality you are showing; how magnanimous you are! You will send a mother or young boys and girls who might be apprehended for having a small flask for only six months to jail and a small fine of $500. By this you may be able to fool many of the enraged American people, but you can not fool them all, as many know, as I do, that the underlying reasons for amending the Jones Act is that under that law many grand juries refused to indict and many judges refused to sentence; and, consequently, you are going to pass these bills making for more arrests, more convictions, and more business for the prison, jail, and penitentiary officials.

The next bill, known as the Stobbs bill (H. R. 9985), provides that a man who makes less than a gallon of home brew or wine will not be subjected to 5 or 10 years' imprisonment, as under the Jones law, but will receive the great privilege of being guilty under the Christopherson bill, known as a misdemeanor or minor offense, which carries a fine of $500 or six months in jail, and that without a jury trial and without the necessity of an indictment by grand jury, as the Christopherson bill, H. R. 10341, provided that such violation or minor offense is punishable only by six months in jail or a fine of $500, and can be presented against anyone on information or complaint, and thus eliminating the burdensome necessity of an indictment. How some of you lawyers who are Members of this House, and some of you men who are supposed to know, can vote for these bills I *can not* understand, unless you are blinded by prejudice or absolutely controlled by these vicious antisaloon racketeers.

The next bill, H. R. 9937, also known as the Christopherson bill, which is entitled, "To provide for summary prosecution of slight or casual violations of the national prohibition act"—please remember, slight and casual violators—is the most vicious of all the three I have mentioned and will make possible the depriving all charged with any infringement of the prohibition law of trial by jury.

It provides:

SECTION 1. That in prosecutions by complaint or information for petty offenses the accused shall plead to the complaint or information before the United States commissioner before whom he may be taken pursuant to section 595, title 18, United States Code. If he pleads guilty, the commissioner shall transmit the complaint and the warrant to the clerk of the district court with a report of the plea, and thereupon judgment of conviction shall be rendered and sentence imposed by a judge of the court.

SEC. 2. If the accused so prosecuted pleads not guilty, there shall be a hearing before the United States commissioner, who shall have the same powers with respect to summoning witnesses for prosecution and defense as those of a magistrate in a prosecution before him under the usual mode of process in the State, and the commissioner shall as soon as practicable thereafter transmit the complaint and warrant to the clerk of the district court, with a report of the plea and hearing and his recommendations, and a judge of the court, on examination of the report, may approve them and render judgment of conviction or acquittal, as the case may be, and in case of conviction impose sentence, or may disapprove the recommendations of the commissioner and by a written decision make a finding, and in case such finding is not excepted to, as provided in section 3, may, after five days from the filing of such decision and written notice thereof to the accused, proceed to impose sentence.

SEC. 3. In case conviction is recommended by the commissioner the accused may within eight days after filing of the commissioner's report and written notice thereof, except in writing to the report, and may also demand trial by jury. In case the court disapprove the commissioner's recommendation of acquittal and finds the accused guilty, the accused may within five days after written notice of filing of the court's decision except thereto in writing and demand trial by jury. If in any case within this section trial by jury is not demanded as hereinbefore provided, it shall operate as a waiver of any right thereto.

SEC. 4. In addition to the fees provided for in section 597, title 28, United States Code, the United States commissioner shall be entitled to the following fees: For reporting a plea of guilty, $1; for hearing and making a report in case of plea of not guilty, $5.

SEC. 5. The circuit judges in each circuit shall have power to make rules for the details of practice suitable to carry out the several provisions of this act.

I would designate this bill as a bootleggers', wholesale violators', and professional runners' relief measure, as it is the most vicious piece of legislation against the little home brewer, the unprofessional and uninformed violator, as he will be completely, under this bill, at the mercy of the prosecuting attorney or commissioner, who, instead of the judge and without jury, pass upon his liberty. The professional lawbreaker and bootlegger is given several chances and opportunities to protect his liberties as he is capable of retaining and paying shrewd lawyers in questions of this kind.

These bills, as has been stated on the floor of this House, have been drafted and redrafted by the best legal minds in the country. To my mind they were drafted by the most conniving minds in the country, as they are the most vicious bills that any man has at any time dared to introduce in this House.

And finally, Mr. Speaker and ladies and gentlemen, under this resolution you are making it in order to consider several bills for the creation of many new judges, and this notwithstanding that you are granting judicial powers to commissioners to relieve court congestion and the judges, making it possible for more and still more law-abiding men, women, and children to be sent to jails and penitentiaries.

Mr. Speaker and gentlemen, I ask where will you put them? I care not whether the seven or eight million dollars that we appropriated some months ago is utilized immediately or not, you will still have nowhere near the space to house them or provide for room for these vicious criminals that will, notwithstanding this or any legislation, have their sip of beer or wine. You would need $70,000,000—yes; you would need $700,000,000—to build enough jails to house them, because the American people are opposed to this—to them repugnant, unfair, and unjustifiable law. They are not in sympathy with it and they are disregarding it, and in disregarding it they are disregarding other laws. I say to you, gentlemen of the House, you should consider seriously before you vote on these bills to-day.

It is an important step that you are about to take, and I feel you owe a duty not only to yourselves and to your districts but to the Nation; and in view of this fact, I hope you may give proper consideration to the importance of these measures and not be swayed, frightened, or forced by the sinister influences led by the political Methodist Board of Temperance, Prohibition, and Public Morals and the discredited Anti-Saloon League. The resolution should be defeated. [Applause.]

In view of the general prevalent existing discontent and the demand for the repeal or modification of the Volstead Act as shown by the last poll in the Literary Digest, should you not wait with this program until at least you have heard from the people directly in the next election? That is the least you can do. But that would be expecting too much, as the order or command has been given, and I feel that you are not strong enough to resist the unholy influence of these unholy alliances. Instead of adopting these bills, if you would repeal the Volstead Act you would find the majority of American people approving of your action. You would stop the wave of crime, you would bring about law and order and contentment and eliminate the ever-increasing resentment against the administration, which seems to be controlled by Clarence True Wilson, the Board of Temperance, Prohibition, and Public Morals of the Methodist Episcopal Church, and the forgiven, but not forgotten, Bishop Cannon. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker, ladies and gentlemen of the House, I am amazed at the tactics that are operating here to-day to jam through these very important bills without giving the membership an opportunity either to offer amendments or to debate them.

You are inaugurating a system of jurisprudence, as far as so-called petty or casual offenses are concerned, as embodied in these bills, which is well-nigh revolutionary, and yet there will be no opportunity for debate and no opportunity for amendment. If this is the purpose of the Wickersham Commission, I say that commission is "wicked-and-sham."

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. LAGUARDIA. On the bill, H. R. 9937, the commissioner's bill, we will certainly have an opportunity to amend because it is on the Union Calendar and they can not take that from us.

Mr. CELLER. That may be true. But as to the others we are indeed "hornswoggled" and deprived of our rights.

Mr. O'CONNOR of New York. If the gentleman will permit, I made an error in my statement in that regard because the bill I had before me did not show that it was on the Union Calendar. That one bill is on the Union Calendar.

Mr. CELLER. It may be that on the one bill there will be an opportunity to offer amendments. That is, indeed, little consolation.

Mr. LAGUARDIA. But not enough time for debate.

Mr. CELLER. When you consider this general program and consider how important it really is, we are being treated like schoolboys. We are given no opportunity for proper reflection and mature study and proper expression on this bill. It is outrageous and ill becomes the dignity and reputation of the House.

Mr. O'CONNOR of New York. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, it is obvious that very little can be said on these bills in the time allotted me, but I do want to record my objection to the two Christopherson bills, which I consider companion bills. The sole purpose is to take away from the American people the right of trial by jury in this class of cases.

To my mind the question has become greater than prohibition, it has reached the point where it involves the right of citizens to trial by jury, a principle for which our people fought for hundreds of years and finally obtained; but, now, in the supposed interest of prohibition, in the interest of enforcement, it has been determined to take this right away or to grant it only under very unusual or difficult circumstances. So I am totally opposed to those two bills. No Anglo-Saxon knowing the struggle for this right of trial by jury should vote for such a bill.

As to the bill introduced by the gentleman from Massachusetts [Mr. STOBBS] I am not very favorable to it, although I think it is better than the present law. It is a reduction at least, and I am very tired of hearing about this 5-and-10-cent bill known as the Jones Act. Perhaps it incited the interest of Mr. Kresge, who subscribed over $600,000 to the Anti-Saloon League.

So much for the Stobbs bill. The House will go very far indeed if it adopts the two Christopherson bills. I have not time to go into them carefully because they are so meticulous that it seems to me that before the accused could get a trial by jury he would be in jail 30 or 60 days. It would be that time before he could get consideration and he would have to be a man of considerable means in order to get a trial.

On these bills I shall have more to say, and I sincerely hope that this House will give serious consideration to the question. Whether you are for prohibition or not, there is a greater principle involved, and that is the principle of trial by jury.

It seems to me that, inasmuch as the gentleman from West Virginia [Mr. BOWMAN] has gone into this matter very thoroughly and finds that there are only a few of the Federal courts of the country congested, it would be better if we would pass a bill creating judgeships for those jurisdictions.

It will be conceded by everybody that this Christopherson bill providing hearings before the commissioners is ill advised. We all recognize that it is so framed that it may be considered constitutional; in other words, we are by this circuitous route trying to circumvent the Constitution, which in all fairness should not be done.

You tell us that we are not doing away with jury trial. It is quite true that if a prisoner has a lawyer and he can guide him through the intricacies of this bill, he can eventually procure a jury trial, but he can not procure this trial until after he has been convicted by the judge either upon his own motion or upon the recommendation of the commissioner.

What will it profit the accused if he gets a jury trial with a millstone hanging around his neck in the shape of a previous conviction upon the same charge by the judge? Certainly, the jury will know that he has been convicted upon the evidence, and I have no doubt that he will likewise be convicted by the jury having such knowledge. Then, again, I dare say there are not over 10 men in this House who can tell us how many commissioners they have in their respective States, nor can they tell us what class of commissioners.

Why, then, should we confer upon these gentlemen trial by proxy when we are not informed as to their ability to try cases? There is no provision as to what kind of men are to be appointed commissioners. It is left entirely with the judges. There is no provision in the law as to what their capacity, ability, or standing in the community must be. There is a provision, I believe, that the man who is a janitor of the building can not be a commissioner.

I am thoroughly in favor of expediting trials, of relieving court congestion, and of bringing culprits to early conviction or acquittal, but I want to see it done in a constitutional way, and I do not want to see some intricate bill like this one passed for that purpose. It may be constitutional or it may not be, but even if it is it is unfair, unjust, and bad legislation. I sincerely trust that particular bill will be defeated. [Applause.]

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I do not know whether I shall occupy all of that time or not. I fear there is some sort of a misunderstanding arising here in regard to these bills and the program under which they are to be presented to the House. I understood this to be a rule without any specification in it as to the method of procedure; that it was in the hands of the chairman of the committee and his committee.

Now I am told on the floor by the mover of this resolution that there was some discussion in the Rules Committee which was never transcribed into the resolution. Am I bound by that to exercise this secret order, or shall I obey the voice of my own committee and act according to my best judgment in promoting the passage of this legislation?

Mr. PURNELL. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. PURNELL. It was the understanding in the Rules Committee that it was the judgment of the Judiciary Committee, and I want to say that it was the definite understanding that the bills that would come forth under the rule would be those providing for the consideration of the judges.

Mr. GRAHAM. That is true.

Mr. O'CONNOR of New York. If the gentleman from Pennsylvania is referring to the statement I made, that the House bills would be considered under the general rules of the House, that was definitely discussed in the Rules Committee. The gentleman has no leeway in that respect.

Mr. GRAHAM. I did not criticize the gentleman from New York at all. I was hoping that there was no misunderstanding that would cause me to hand over the conduct of the legislation to some one of my committee.

I do not wish to go in opposition to the Rules Committee, but I think it was their bounden duty if they wanted me to be bound in the mode of the presentation that they should incorporate it in the resolution.

Now, my committee did not indulge in any specific direction about that. When the three bills were passed in the committee, Mr. CHRISTOPHERSON suggested that I be authorized to apply for an early hearing of these bills. There was no talk about the inclusion of anything else. I have never asked for the inclusion of anything else.

My request was that all of the judges that have been recommended by the committee, as well as all of these bills which affected enforcement, should be asked for at the hands of the Rules Committee. That I understand was done, but they singled out four judges and recommended that they be put in the rule.

It happens that one of these judges comes from the third circuit, in which I have the honor to live and to practice whatever law I may practice.

That fact may give the membership of this House the thought that I had engineered this matter so that a man from my own district should be put forward for appointment as judge.

Now, under all the circumstances, in view of the fact of this effort afterwards to hamstring the chairman of the committee in the manner in which the legislation should be treated, I shall withdraw from the management of this legislation and ask Mr. CHRISTOPHERSON, chairman of the subcommittee, that handled it, to take my place.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. O'CONNOR of New York. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman's time has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I make a preferential motion. I move to recommit the resolution to the Committee on Rules.

Mr. SNELL. Mr. Speaker, I make the point of order that that motion is not in order.

The SPEAKER. The Chair does not think it is in order to move to recommit the resolution to the Committee on Rules.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for five minutes. I do that because that is the only way that I can get any time on this rule.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for five minutes. Is there objection?

Mr. SNELL. If the gentleman will wait, perhaps we will give him some time, but we can not grant unanimous consent at this time.

Mr. PURNELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SNELL], the chairman of the committee.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is not.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Abernethy	Eaton, Colo.	Maas	Stone
Andrew	Estep	Magrady	Sullivan, N. Y.
Bacharach	Esterly	Manlove	Sullivan, Pa.
Bankhead	Fort	Mead	Taylor, Colo.
Beck	Free	Mooney	Taylor, Tenn.
Brigham	Golder	Newhall	Temple
Britten	Greenwood	Nolan	Thompson
Brumm	Hoffman	Norton	Treadway
Buchanan	Hudspeth	Oliver, Ala.	Turpin
Chase	Hull, William E.	Owen	Underhill
Clark, Md.	Hull, Tenn.	Peavey	Underwood
Clarke, N. Y.	Igoe	Porter	Vincent, Mich.
Cochran, Pa.	James	Pratt, Harcourt J.	White
Connery	Jeffers	Rayburn	Whitehead
Connolly	Johnson, Ill.	Reece	Williams
Craddock	Kemp	Romjue	Wingo
Curry	Ketcham	Sears	Wolfenden
Dempsey	Kiess	Simms	Wood
De Priest	Kunz	Sirovich	Yon
DeRouen	Langley	Spearing	Zihlman
Dickinson	Larsen	Stedman	
Doutrich	Letts	Stevenson	

The SPEAKER. Three hundred and forty Members have answered to their names, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. PURNELL. Mr. Speaker, I ask for a vote upon the amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PURNELL. Mr. Speaker, I move the previous question on the amendment and the resolution to final passage.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 175, noes 43.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 225, noes 32.

So the resolution was agreed to.

CUSTER NATIONAL FOREST

Mr. COLTON. Mr. Speaker, I submit a conference report upon the bill (H. R. 6130) to exempt the Custer National Forest from the operation of the forest homestead law, and for other purposes, for printing under the rule.

GRANTING DISCHARGED SOLDIERS PREFERRED RIGHT OF HOMESTEAD ENTRY

Mr. COLTON. Mr. Speaker, I submit a conference report upon H. J. Res. 181, to amend a joint resolution entitled "Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry," approved February 14, 1920, as amended January 21, 1922, and as extended December 28, 1922, for printing under the rule.

WAIVER OF TRIAL BY JURY

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 12056, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all criminal prosecutions within the jurisdiction of the district courts of the United States the trial, except as otherwise provided by law, shall be by jury unless the accused shall in open court, in such manner and under such regulations as the court may prescribe, expressly waive such trial by jury and request to be tried by the court, whereupon, with the consent of Government counsel and the sanction of the court, the trial shall be by the court without a jury, and the judgment and sentence shall have the same force and effect in all respects as if the same had been entered and pronounced upon the verdict of a jury.

SEC. 2. This act shall be in force from its passage, and all acts and parts of acts in conflict therewith are hereby repealed.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from New York for a parliamentary inquiry?

Mr. GRAHAM. Yes.

Mr. LAGUARDIA. Mr. Speaker, the bill H. R. 12056, just called up, is on the House Calendar. Would it be in order for the House to determine additional time for discussion of the bill under unanimous consent?

The SPEAKER. Under unanimous consent it would.

Mr. LAGUARDIA. Will the gentleman from Pennsylvania propound a unanimous-consent request or yield to me for that purpose so that we can at least have an hour's debate on each side on this question?

Mr. GRAHAM. Whenever any one of the bills is called up that is really controversial I shall be very glad to make such an arrangement, but not on this bill.

Mr. LAGUARDIA. There is a minority report upon the bill.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. For what purpose?

Mr. CELLER. Is not this a controversial bill when you have members of the Committee on the Judiciary filing a minority report in opposition thereto? Is not that sufficiently controversial so as to permit discussion of the bill?

Mr. GRAHAM. I do not think so. I propose to make a short statement myself and then I shall yield time to the gentleman to make any objection he thinks proper.

Mr. LAGUARDIA. Mr. Speaker, I desire some time, and I think the gentleman from Virginia [Mr. TUCKER] wants some time.

Mr. TUCKER. I do not.

Mr. GRAHAM. After I make an explanatory statement, I am willing the gentleman from New York shall have as much time as I can spare.

Mr. Speaker, it has been suggested that this bill is a wholly unnecessary piece of legislation. If so, it ought not to be passed. If it serves any useful purpose it ought to be passed.

Now, if you take the decision which gave rise to the presentation of this bill, you will find it in the case of Patton et al. against United States of America, where Mr. Justice Sutherland delivered the opinion of the court. I think every lawyer in this Chamber will admit that there is a standing rule as to the effect given to a decision; in other words, that a case stands as an authority for the exact point involved in that case. That being the rule, when the gentleman from Virginia [Mr. MOORE] suggested that there ought to be a bill announcing affirmatively that the right of waiving trial by jury might be exercised in all cases it seemed to our committee to be a very just piece of legislation.

In other words, the case I have referred to decided one question. It decided the point that a man who was on trial, in the exigencies of the case, when something happened—I forget what it was, to one of the jurors, sickness or accident or something—and they wanted to go on and finish the case, they agreed, all of them, court and counsel, to proceed with the case with 11 jurors. This is authority for that proposition, and it is true that I might cite correlated facts or incidents as obiter dicta. The court discussed the entire question of a trial by jury.

This bill is especially intended to remove all doubt that the right of waiving a trial by jury exists in the defendant, and he can exercise the right to waive, so that there can be no doubt in the future on that subject.

Mr. Speaker, I reserve the rest of my time.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. O'CONNOR of New York. The question is, Should we permit him to waive the right?

Mr. GRAHAM. Why should we not? Under the old law, under the common law, the State claimed a right and interest in the citizen, his property, and so forth, and it is therefore stated that when a right to waive existed it was not an individual right of the accused and should not be waived. But in this land there is no such reason existing, and all that remains is the accused's right in the case, and that right the defendant can exercise, and if he chooses to exercise it, who in the name of fairness and justice could say no?

Mr. JOHNSTON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. JOHNSTON of Missouri. When a defendant is accused of a capital offense the proposition is that he can waive the right and privilege of trial by jury?

Mr. GRAHAM. A man can plead guilty to a charge of murder. We have three degrees of murder in Pennsylvania.

Mr. JOHNSTON of Missouri. He can waive the right of trial by jury in the case of a capital offense?

Mr. GRAHAM. Yes.

Mr. JOHNSTON of Missouri. It is different in some of the States.

Mr. GRAHAM. Yes. It is different in a number of States.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. CELLER. Will the gentleman yield time to the Members of the minority?

Mr. GRAHAM. Yes.

Mr. CELLER. Will the gentleman then give us some time on this bill, and if so, how much?

Mr. GRAHAM. I do not know what time may be needed, but so far as I am concerned the gentleman can have all the time he desires to occupy.

Mr. CELLER. Will the gentleman state how much time he will give?

Mr. GRAHAM. I decline to answer such a question at this time.

Mr. CELLER. I think it behooves the gentleman to answer as to what time will be accorded.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. BLANTON. The rights of the Government are preserved under this bill by the language of the bill, "with the consent of the attorney and the sanction of the court"?

Mr. GRAHAM. That is true.

Mr. BLANTON. That language was used in the decision, and other language is used for the protection of the accused by saying that the waiver must be made in open court and under such regulations as the court shall prescribe.

Mr. GRAHAM. That is true.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Pennsylvania yield to a parliamentary inquiry?

Mr. GRAHAM. Yes.

Mr. CELLER. If the gentleman does not disclose how much time the minority may have to express their views, how does he know how much time we may need in which we can express our minority views?

Mr. GRAHAM. I will yield to the gentleman 10 minutes' time to express his views.

Mr. CELLER. Mr. Speaker, and ladies and gentlemen of the House, there are those who have views differing from those expressed by the distinguished chairman of the Committee on the Judiciary [Mr. GRAHAM] for whom I have the most profound respect. Yet that respect does not prevent me from differing from him on occasion, as I do now. I must say, however, that hesitancy in his granting time to members of his committee does not do him proud.

This bill was apparently offered as the result of the United States Supreme Court decision, John Patton, Harold Conant, and Jack Baker against the United States of America—No. 53, October term, 1929, handed down April 14, 1930—which held that the continuation of a criminal trial for bribery of a prohibition agent, with 11 jurors after 1 juror became ill, where the defendant consented to waiver of the twelfth juror, was proper, since the defendant can waive his right to a trial and verdict by a constitutional jury of 12 men.

Since the highest court in the land thus holds the waiver of 1 juryman—it is careful to point out that if the presence of 1 juryman may be waived, all 12 may be waived—is lawful and proper, there seems no justification for a statute upon the subject.

Let the responsibility for the justification of legality of the waiver rest upon the court, not upon the Congress.

That is my first objection to this, as I term it, unnecessary legislation. It has been argued that the various judges in the various circuits may or may not establish uniform rules with reference to the acceptance of the waiver. What of that?

Is it not better to have rules operating in the various circuits consistent with the wishes of the bar and judges and citizenry of those various circuits than to establish hard-and-fast rules by legislation of this character?

The highest courts in some of our Commonwealths disagree, however, with the views of our Supreme Court. Mr. Justice Sutherland, delivering the opinion of the court, recognized this divergence of opinion and said the court—

> is not unmindful of the decisions of some of the State courts holding that it is competent for the defendant to waive the continued presence of a single juror who has become unable to serve, while at the same time denying or doubting the validity of a waiver of a considerable number of jurors, or of a jury altogether. See, for example, State *v.* Kaufman (51 Iowa 578, 580), with which compare State *v.* Williams (195 Iowa 374); Commonwealth ex rel. Ross *v.* Eagan (281 Pa. 251, 256), with which compare Commonwealth *v.* Hall (291 Pa. 341).

In the State of New York the defendant can not waive a jury trial, except in case of misdemeanor, when he is tried by a justice of the peace or a court of special sessions composed of three judges. In that State trial by jury is not a private right which the defendant may waive. The public has an interest in the case which the defendant can not waive. The New York constitution provides a forum to include judge and jury. The defendant can not change the forum by limiting it to a judge. The leading case in New York is Cancemi *v.* The People (18 N. Y. 128), approved later in the case of People *v.* Cosmo (205 N. Y. 91).

The Cancemi case, supra, involved an indictment for a felony, upon which the defendant was convicted, after having consented to the withdrawal of one juror. The New York court held the conviction illegal and took occasion to set forth an elaborate theory relating to waiver of rights in criminal prosecutions. The court pointed out that in civil cases greater effect is given to the will of the individual, since simple private rights and obligations are involved. Criminal prosecutions, on the other hand, involve public rights and duties. The whole community "in its social and aggregate capacity" is affected. The social end is to prevent similar offenses. For these reasons, the court declared, the State has a care in the outcome of a criminal trial. It will not permit the individual to exercise his discretion in surrendering his liberty and perhaps his life. (See Mich. Law Review, 1926–27, p. 708.)

Thus in New York and other States the defendant can not waive a jury, whereas in the United States district courts in those same States a jury may under all circumstances be waived, if this bill passes.

If Congress is to declare the right of waiver, at least, let certain safeguards be thrown about the process. Surely the defendant should understand fully the nature of the waiver. Attempts in committee to amend the bill to provide that the jury could be waived only upon advice of counsel failed. Many defendants are illiterate and appear without counsel. Prohibition has brought many poor and lowly and ignorant defendants into the Federal courts. Their rights are just as sacred as those of the rich and intelligent. A jury should not be waived without the advice of a lawyer, whom, if necessary, the court shall assign to the defendant. This requirement would not impair the bill in the slightest degree but would insure fullest justice to the illiterate defendant.

While there may be some reason for invoking the right of waiver in petty or inconsequential cases like misdemeanor, yet the rule should be different in capital and felony cases. The bill as presented brooks no discrimination. All cases are treated alike.

The court in the case of Commonwealth ex rel. Ross *v.* Eagan (261 Pa. 251) was careful to point out that while the defendant should be permitted to waive the right to trial by jury when charged with any of the lesser offenses, yet the rule should be different and no permission to waive the right to jury trial should be given him when the charge involves a capital offense.

In Michigan (see Hill *v.* People, 16 Mich. 351), in Missouri (State *v.* Mansfield, 41 Mo. 470; State *v.* Sanders, 243 S. W. 771), in Kansas (State *v.* Simons, 61 Kans. 752, 60 Pac. 1052) the New York doctrine, as expressed in the Cancemi case, to wit, that the public has an interest in the criminal prosecution which an accused can not abridge or destroy by his waiver of trial by jury, and that the public has an interest in maintaining the liberties of the individual even against himself.

Certainly waiver should not be permitted in capital cases. Various bodies investigating crime have recommended legislation authorizing an optional trial without jury in all cases except capital. (See Michigan Law Review, May, 1927, p. 695, vol. 25; Outline of Criminal Procedure and Judicial Procedure of the National Crime Commission, sec. 13, 12 Am. B. A. Jour., p. 693; First Report of the Judicial Council of Massachusetts, November, 1925, Appendix C, p. 141; Moley, Summary of Missouri Crime Survey, p. 49; Report of the Joint Legislative Committee of the State of New York, Leg. Doc. 84, 1926, p. 29; Michigan Code of Criminal Procedure, introduced as House bill No. 80, session 1927–28, art. 3, secs. 3 and 4.)

I offered an amendment in the committe with reference to the exception of capital offenses, such as murder and other heinous offenses called capital offenses, and the committee would not accept the amendment. This bill had to be accepted in whole or not at all. We either had to vote it up or vote it down, just as you must vote it up or down now.

In the Patton case, supra, the Supreme Court held:

> In affirming the power of the defendant in any criminal case to waive a trial by a constitutional jury and submit to trial by a jury of less than 12 persons, or by the court, we do not mean to hold that the waiver must be put into effect at all events. That perhaps sufficiently appears already. Trial by jury is the normal and, with occasional exceptions, the preferable mode of disposing of issues of fact in criminal cases above the grade of petty offenses. In such cases the value and appropriateness of jury trial have been established by long experience and are not now to be denied. Not only must the right of the accused to a trial by a constitutional jury be jealously preserved, but the maintenance of the jury as a fact-finding body in criminal cases

is of such importance and has such a place in our traditions that, before any waiver can become effective, the consent of Government counsel and the sanction of the court must be had, in addition to the express and intelligent consent of the defendants. And the duty of the trial court in that regard is not to be discharged as a mere matter of rote, but with sound and advised discretion, with an eye to avoid unreasonable or undue departures from that mode of trial or from any of the essential elements thereof, and with a caution increasing in degree as the offenses dealt with increase in gravity.

Even in the Patton case, supra, the Supreme Court recognized the distinction between grades of criminal offenses, a distinction which the instant bill ignores.

This bill may be construed as another attempt at whittling away a right for which we have dearly paid. The history of the struggle for trial by jury is the recital of the struggle for liberty and freedom from tyranny. We should hesitate long before we weaken in the slightest respect the right of trial by jury. That right is so all important that waiver of it under any but most exceptional circumstances is tantamount to a weakening of it.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. O'CONNOR of New York. Can the gentleman imagine the situation of a man languishing in jail and he wants a trial. The district attorney says, "I will give you a trial next year if you want a jury trial, but if you waive a jury trial I will put you on trial right away." That pressure will be so common with district attorneys that it shows the great danger of this bill.

Mr. CELLER. I do indeed imagine such a situation.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. CELLER] has expired.

Mr. GRAHAM. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, in the last Congress, when the congestion of business in the district courts of the United States was receiving general attention, a committee of the Bar Association of the City of New York investigated the subject, and it happens that I came in contact with members of that committee. As a result I introduced several bills, among them a bill almost identical in form with the bill that is before us. It was found by investigation that in the States where the privilege of waiver is accorded as, for instance, in Maryland, Connecticut, and Indiana, that practice operates to save a great deal of the time of the State courts. If I had the opportunity I could give you the figures showing to what an extent the defendants in the courts of those States go to the court instead of to a jury for the trial of their cases. When that bill was introduced in the last Congress it was objected that it was in contravention of the Constitution, but at that time an opinion to the contrary was expressed by some of the most eminent members of the American bar, including the present Chief Justice, Mr. John W. Davis, and others whom I might mention, their belief being the court would uphold the validity of such a measure. Now, all doubt of that character has been removed in view of the recent decision in the Patton case, to which my friend from Pennsylvania has referred, in which the court has held that notwithstanding anything in the Constitution or anything in the existing statutes a defendant in a criminal case has the privilege of waiving a trial by jury. This bill, as suggested by the gentleman from Pennsylvania, is designed to crystallize the decision of the court into statute law, so as to bring it to the attention of the public and the courts.

The gentleman from New York who just spoke wants to know what is the necessity for the bill if the court has said that waiver can be had without legislation, as it may be had. One principal reason is to guard the proceedings in the court when the desire of the defendant is to waive trial by jury, and two things to that end are proposed: First, that a district court—not all district courts necessarily acting in uniformity—shall make rules and regulations providing the method and the regulations under which a defendant shall indicate his desire to waive. That is important. There will be many cases in which a defendant will not wish to personally appear and indicate his desire, but will wish to know how it may be indicated. The idea is to have fair and just rules applicable to that particular point.

Now, there is another reason for the bill. The bill provides that the privilege shall not be exercised without the approval of the court and the prosecuting attorney.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. LAGUARDIA. And does the gentleman construe that to be in favor of the defendant?

Mr. MOORE of Virginia. Whether in favor of the defendant or not, it is the law of the land, according to the opinion in the Patton case.

Mr. LINTHICUM. If it is already the law of the land, why pass this bill?

Mr. MOORE of Virginia. I was trying to explain to you the reason for passing it, and I am now trying to answer the gentleman from New York.

Mr. LINTHICUM. I do not oppose the bill, but it seems to me it is just that much surplusage.

Mr. PALMER. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. PALMER. The bill provides:

Whereupon, with the consent of Government counsel and the sanction of the court, the trial shall be by the court without a jury.

Then, upon one side you have the court and the Government counsel. Where does the defendant come in? Who represents the defendant?

Mr. MOORE of Virginia. The defendant comes in by the exercise of his free will.

Mr. PALMER. I understand, but does not the gentleman think a defendant should have the right of counsel? A defendant, if he saw fit, should have the right to consult counsel before waiving his right to a trial by jury.

Mr. MOORE of Virginia. I do not favor providing by statute that the Government should furnish counsel for a defendant in any sort of case. The present law only specifically authorizes the appointment of counsel for defendants in capital cases. I think my friend's question evinces a distrust of the courts of the country and of the prosecuting officers of the country.

Mr. PALMER. That may be true, but the public must be protected, and a defendant is entitled to his day in court.

Mr. MOORE of Virginia. He gets his day in court. If you go over into the State of the gentleman from Maryland [Mr. LINTHICUM], who interrogated me a minute ago, you will find there has been no injustice resulting from giving defendants the right to waive jury trial, whether represented by counsel or not.

Mr. PALMER. As I understand, he gets an ex parte proceeding. That is all he gets.

Mr. CHRISTOPHERSON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CHRISTOPHERSON. A defendant can come into court and plead guilty without counsel.

Mr. MOORE of Virginia. Exactly; there is no doubt about that. I think the difficulties which are suggested with reference to the rights of a defendant are altogether imaginary.

Mr. LAGUARDIA. Is a plea of guilty analogous to a trial? There is no analogy there at all.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BRAND of Georgia. I call the attention of the gentleman who just asked you a question to the fact that I have prepared an amendment in effect as follows:

After the word "jury," on page 2, insert: "*Provided, however,* If the defendant requests the court to appoint counsel to represent him the presiding judge shall do so if it appears to the satisfaction of the judge the defendant is unable to employ counsel."

Mr. MOORE of Virginia. That would be extending our present law, which confines the appointment of counsel to a certain category of cases, namely, cases involving capital punishment. Leave other cases to the courts to determine about the appointment of counsel.

Mr. BRAND of Georgia. What is the objection to that in this case?

Mr. MOORE of Virginia. One objection to it is that counsel might have to be compensated.

Mr. BRAND of Georgia. No; counsel appointed by the court would represent the defendant on account of his inability to employ counsel, and would get nothing for it.

Mr. MOORE of Virginia. I do not think a statute provision would accomplish anything. The court itself, if it has reason to believe——

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. GRAHAM. I yield the gentleman three more minutes.

Mr. TUCKER. Let me ask the gentleman a question. Would my friend object to an amendment stating that this waiver may be made, the defendant's counsel being present?

Mr. MOORE of Virginia. Yes; I would object to any such amendment, because I think it would simply clog the proceedings in the courts and make for delay and congestion instead of for expedition.

Mr. TUCKER. Well, there would better be a little delay and have it rightly done.

Mr. MOORE of Virginia. There is one other point made by the gentleman from New York that I would like to answer. He says the line ought to be drawn between the more serious cases

and the less serious cases. He states that this is done in New York, and quotes a New York decision which is referred to by the Supreme Court in the Patton case; but listen to what the Supreme Court says:

> We are unable to find in the decisions any convincing ground for holding that a waiver is effective in misdemeanor cases but not effective in the case of felonies. In most of the decisions no real attempt is made to establish a distinction beyond the assertion that public policy favors the power of waiver in the former but denies it in the latter because of the more serious consequences in the form of punishment which may ensue.

But the court rejects the view entertained by the gentleman from New York, and toward the conclusion of the opinion in the case reiterates that there is not any conceivable ground on which a distinction can be made between felonies, even the most serious felonies, and misdemeanors, even the least serious misdemeanors.

Mr. CLARK of Maryland. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. CLARK of Maryland. In the State of Maryland, as the gentleman has stated, we have, so far as I know, always given the right of trial by the court to a prisoner upon his election. I do not believe I have ever heard one word of criticism of this procedure, and to-day I doubt whether you would find one person in the entire State of Maryland who would change this procedure. It has always been regarded in Maryland as an added privilege and right granted the accused.

Mr. MOORE of Virginia. Let me tell my friend what Chief Justice Bond of Maryland said some time ago about the result in Maryland. In the year 1924 over 90 per cent of all the cases tried in the criminal courts of Baltimore were tried without a jury.

Mr. GRAHAM. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker and gentlemen, there is one appeal I want to make to this House, and I was never more earnest than I am at this moment, and that is that you consider this bill, the Christopherson petty offense bill and the Christopherson commissioners' bill, as lawyers and as legislators and not as advocates for or against prohibition. When you come to the Stobbs bill you have a perfect right to vote as drys or as wets, but in this bill and the commission bill, gentlemen, you have something that goes to the very fundamentals of the American system of jurisprudence. You are seeking to destroy here, in a roundabout way, that which was written into our Constitution and adopted as a part of the Anglo-Saxon system of jury trials after centuries of oppression. The bill is only the forerunner of legislation against the system of jury trials. Under the guise of enforcing a law over which there is a great deal of controversy, this bill is liable to pass and thereby make effective a determined effort of heartless oppressors for brute power and abolition of our bill of rights.

This is only one of this entire set of ill-advised, ill-considered recommendations which have come from the crime commission. The commission has not reasoned out and perfected any sound recommendation. It is simply submitting to the clamor of the fanatics and professional drys. I can not understand Mr. Wickersham—a good lawyer, a great lawyer. I believe he is still in his prime. I do not want to believe he has entered into the stage of senility, but I can not understand or justify the recommendations which the commission is making and the way they are being considered now by the House of Representatives. The commission is simply playing cheap politics with powerful dry organizations.

Mr. BACHMANN. Will the gentleman yield?

Mr. LAGUARDIA. In a moment, please.

If this bill and the other bills pass, the evil effects may not be seen for a year or two. I will grant you that. But in the years to come, with juryless trials, no grand jury indictments, long-term prison sentences, the Seventy-first Congress will go down in history as the most oppressive and cruel Congress in the history of our country. This Congress will have done more to destroy the fundamentals guaranteed in the Constitution than any other Congress. And all because a few nice old gentlemen are so timid as to submit to the unreasonable demands of a cruel minority.

Why, gentlemen—and I want the attention of the gentleman from Virginia [Mr. MOORE], the author of the bill—you say that the defendant is clothed with every safeguard, that he may waive his right of trial by jury, if he so chooses. I will leave it to every one of my colleagues on the Judiciary Committee if he can not do that now without any legislation. There is no question about that. The gentleman from Virginia [Mr. MOORE] says he wants to enter upon an advertising campaign; or, to use his own words, I quote from his remarks: "To crystallize the decision of the Supreme Court so as to bring it to the attention of the American public." That, indeed, is a novel justification for legislation. Congress is asked to pass a bill in order to create propaganda for a Supreme Court decision.

Mr. O'CONNOR of New York. Will the gentleman yield there?

Mr. LAGUARDIA. In just a moment.

It is said that the rights of the defendant are safeguarded. Let me show the House just how the bill safeguards these rights. Can he waive the jury if he wants to? No; not under this bill. He can only waive the jury, when? If the district attorney consents. This places a stronger control in the hands of the district attorney. The district attorney is given the power to decide the waiver of the jury.

Now, you have a situation illustrated by my colleague, the gentleman from New York [Mr. O'CONNOR]. Here is an impecunious defendant in jail. The district attorney will give him the choice of staying in jail and awaiting until the district attorney gets good and ready to place him on trial or take a trial without a jury to be prosecuted by the same district attorney and railroaded to jail by a judge who passes on the facts and recommendations made by the district attorney. The other instance we have the defendant in a hostile community, who knows that the public may be inflamed and prejudiced against him at the time, and he consents to a trial without a jury. That man can not get a trial without a jury unless the district attorney consents, and Mr. District Attorney will not consent. Everything seems to be directed to make it easier to send more people to jail for longer terms.

Then, you have the audacity to stand up and say that this bill is of minor importance.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. O'CONNOR of New York. As the situation exists to-day, without this bill does not the gentleman believe that it is doubtful if any judge who is fit to sit on the bench would take the waiver of a defendant not represented by counsel, so that this bill weakens the right of the defendant?

Mr. LAGUARDIA. It not only weakens it but it weakens the opposition by compelling a defendant to get the consent to a waiver of his prosecutor. Do you realize that?

The bill seeks in very poor language to carry out the dicta of the Supreme Court that the waiver should be made formally, solemnly, and under such conditions as to surround the defendant with every possible safeguard and protection. The bill does not do so. I believe that it is purposely so worded as to give only a color of protection and to admit of a practice that will soon grow up that will place the entire choice and the absolute power in the hands of the district attorney and the judge. This is only the first step. The next step would be constructive waivers. And I can tell you just how it will be done. Courts have the power to make the rules. Such rules will be made. I am not like some of my colleagues on the floor that believe in the infallibility of Federal judges. I do not believe any Federal judge is infallible and do not hesitate to say so. I do not hesitate to say that I have not much respect for the judgment, impartiality, and fitness of a few judges on the Federal bench whom I could mention.

Why, rules will be made for the call of the criminal calendar. Another rule will be made that defendants will have to declare their demand for a jury trial at the time. Defendants will be huddled into court—the court crier will mumble some unintelligible words. The defendants will be single-filed before the judge and back into jail. Later on he will be called for trial and learn that he has waived the jury. This is no exaggeration. Every time that courts have been given more power and rights taken from the defendants, without an exception, and history will bear me out, the courts have abused that power. Gentlemen, what are you doing? Take this bill and read it in connection with the other bills—the commissioner's bill. Every American lawyer who puts his name to that bill ought to hang his head in shame.

I am sure if we can read into the heart of the distinguished gentleman from Pennsylvania who is a great lawyer, we would find that he does not agree to one of these bills. He is too good a lawyer. He is too good an American.

Now, this jury trial was not placed in the Constitution by accident. It was not an experiment. Go back in history and see the streams of human blood that was shed, and the suffering and oppression that was suffered for years and years—life and imprisonment, sacrifices by men and women for centuries before the trial by jury was finally adopted by every civilized country.

Now, under the guise of prohibition you want to destroy every solitary fundamental, every guaranty to the individual contained in the Constitution.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. O'CONNOR of New York. It has been pointed out that this bill does not pertain only to prohibition cases but to all cases.

Mr. LAGUARDIA. Yes; prohibition is used as the bait. Do not consider this question as one of prohibition at all. Oh, gentlemen, everywhere in history where a privileged class or cruel oppressors have been able to bring about legislation, letting down or lessening the protection to and rights of the individual there has been created a judicial system of tyrants becoming more and more oppressive to the point of becoming unbearable which then causes a breakdown of the whole form of government.

That is what I am seeking to prevent to-day. If it was not for one question, this and the other bills would not have been reported favorably by the Judiciary Committee at all.

I wish you would all read the minority report, by the distinguished gentleman from Virginia [Mr. TUCKER]—read that report and go back to our good old Constitution, and if you are going to vote conscientiously read that minority report on the Christopherson bill. Read Mr. TUCKER's brief on the constitutional questions involved.

Gentlemen, here is something of great importance. Here is something that goes to the very root of our whole system of jurisprudence. I appeal to the Members of the House to at least read the bills. I was sitting alongside of a Member a few moments ago who did not know that the bill required the consent of the district attorney to the waiver of a jury trial. I insist that at least that strangle hold on a defendant be eliminated.

Mr. JONAS of North Carolina. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. JONAS of North Carolina. Under the provisions of the bill if the district attorney refuses to consent to the waiver of a jury trial, then the defendant gets his jury trial.

Mr. LAGUARDIA. If the defendant is in a hostile community the gentleman can easily see if he wanted an early trial he might not be permitted to get it. I firmly believe that no defendant should be at the mercy of his prosecutor on any matter involving a constitutional right.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. GRAHAM. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN].

Mr. MCKEOWN. Mr. Speaker, and gentlemen of the House, this bill is not a prohibition bill and it is not indorsed by the Wickersham Commission. If anyone has that in his mind, he may as well get it out, because it is indorsed neither by the prohibition people nor the Wickersham Commission. My objection to the bill has nothing to do with my position on these other bills. I am opposed to this bill, first, because it is not necessary to write this into law. The right to waive a jury has already been announced by the Supreme Court of the United States. Then why take up the time of Congress to write it into law? That is No. 1 objection. In the second place, this bill weakens the right of the defendant under the present rules of the Supreme Court of the United States. What is the history of jury trials, and what is the man waiving? All of you are familiar with the centuries of struggle, with the century of bloodshed, we might say, in order to establish the right to enjoy the privilege of being tried by a jury.

What is free government? In its last analysis it is the intelligent and impartial administration of justice. It is public justice that holds the Union together. It is to the courts that we look for the protection of our lives, liberty, reputation, and rights of property. The people have a greater concern in the judicial branch of the Government than in any other. It is to the courts that the people look to protect them in their rights against the Nation or the world. The courts deal with the people in every relation of life from the day they enter the world, and direct the affairs of their estates and guide their hands after death in the distribution of their property.

An ideal trial before judge and jury is one where the judge, learned in his profession, is the exclusive judge of the law and the jury the exclusive judge of the facts—a judge who opens the eyes of the jury to see the truth in the controversy and does not seize the jury by the nose to lead them to the verdict he desires.

In free America, under our laws and Constitution, every litigant or accused ought of right be entitled to such a trial.

Englishmen have for centuries boasted of the valuable right of trial by jury.

Americans of the early days of the Republic and down to recent years have boasted of the advantage of jury trials. The bill of rights written into our Constitution were secured to the English by the verdicts of juries over the violent protests of the judges who often fined and imprisoned the recalcitrant juries. Before the making of our Constitution many colonial judges were oppressive and tyrannical. The makers of that great instrument had their conduct fresh in mind at the time they constructed it.

The New York colony was the first to strike through at the tyranny of the rulers. In the trial of the editor of the New York Weekly Journal in the year of 1734 for libeling the colonial governor, the judge first disbarred the editor's lawyer because he asked a pertinent question concerning the judge's right to sit in the case; he then refused the editor the right to prove the truthfulness of the publication and directed the jury to return a verdict of guilty. The jury promptly returned a verdict of not guilty and the populace with one accord gave evidence of its approval and the city council passed resolutions of services "in defense of the rights of mankind and the liberty of the press."

In the statement of grievances against King George in the immortal Declaration of Independence one of the chief charges was "depriving them in many cases of the benefit of trial by jury."

Pass this law, and we will suppose that a man has waived his right to trial by jury, and some man finds that an injustice has been done him, and what chance will he have? He will have no chance for an appeal, because when it goes to the court of appeals they will say that Congress has given them the right, but under the decision of the Supreme Court every waiver that is claimed is subject to review. Does this bill say anything about the intelligence of the defendant? No; it does not say a word about the intelligence of the defendant. What does the Supreme Court say?—

> Not only must the right of the accused to a trial by a constitutional jury be jealously preserved but the maintenance of the jury as a fact-finding body in criminal cases is of such importance and has such a place in our traditions that, before any waiver can become effective, the consent of Government counsel and the sanction of the court must be had, in addition to the express and intelligent consent of the defendant.

Under this act he could waive it, and never know what he is doing. They do not even put it of record in the clerk's office, according to this act. I was not given a chance to raise my voice against this in order to offer an amendment, and that is the reason that I am on this floor now. What else does the Supreme Court say?—

> And the duty of the trial court in that regard is not to be discharged as a mere matter of rote but with sound and advised discretion, with an eye to avoid unreasonable or undue departures from that mode of trial or from any of the essential elements thereof, and with a caution increasing in degree as the offenses dealt with increase in gravity.

And yet you tell me that you are going to come in here and at one fell swoop wipe away the rights of the defendant and deny him the protection provided in the decisions of the courts of our country.

Mr. CLARK of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MCKEOWN. Yes.

Mr. CLARK of Maryland. What is the basis of the statement the gentleman makes that the defendant is yielding a right? Is not this bill intended to give him an additional right?

Mr. MCKEOWN. How does the gentleman figure a man gets an additional right in the right to waive a jury trial?

Mr. CLARK of Maryland. He has a right to trial by the court instead of a jury if he so elects. This is an additional right, which this bill seeks to give him.

Mr. MCKEOWN. He has a right to be tried by jury. That is fundamental and was written into the Constitution.

Mr. CLARK of Maryland. Under this law he will still have that right.

Mr. MCKEOWN. Yes; certainly he has.

Mr. CLARK of Maryland. But this bill gives him the additional right of a trial by the court when he prefers it.

Mr. MCKEOWN. He does under this law if the circumstances are such that it is right for him to do it. The gentleman must remember that the people of the United States are interested in every waiver of a jury trial, because that is a matter which affects the whole community.

Mr. CLARK of Maryland. The gentleman made the statement that this bill seeks to take from the defendant a right.

Mr. MCKEOWN. It does.

Mr. CLARK of Maryland. In what respect?

Mr. MCKEOWN. Because it does not safeguard and provide the manner in which it can be done as interpreted by the Supreme Court of the United States, because that decision says that he must intelligently understand it. You would not con-

tend that a man who did not understand should be asked to waive his right?

Mr. CLARK of Maryland. Consent of Government counsel and approval of the court are put in the bill for the protection of the accused.

Mr. McKEOWN. Yes; but the people of this country must be protected as well as the defendant with reference to his waiving of the right.

Mr. CLARK of Maryland. Would the gentleman vote for the bill with consent of Government counsel and court approval eliminated?

Mr. McKEOWN. I would oppose the bill under all circumstances when it is not needed. I do not believe in cluttering up the statute books with unnecessary laws. [Applause.] It is of interest to note the growth of the right to trial by jury.

The right of trial by jury was not known to the Anglo-Saxon prior to the arrival of William the Conqueror, and then only grew up under the conditions as will appear hereafter.

It would seem that the ability of the accused person to escape just punishment for their crimes on the ground of some technicality and indictment of preliminary process was condemned at least 1,000 years ago, as will appear from the following statement of an old lawyer of Iceland:

> How does it happen that Ospak is not outlawed? Are there not sufficient grounds to condemn him? Has he not in the first place committed theft and then slain Vail?

To this the court answered:

> All this is not denied, nor is it pretended that this issue of the cause is founded on justice or equity, but there was an informality in the preliminaries of the process.

The lawyer replied:

> What informality could be of greater moment than the crimes which the man committed?

ANGLO-SAXON COMPURGATORS—TWELVE CHARACTER WITNESSES

They took oath that they believed the accused had not sworn falsely.

Roman law provided for laudatores, on the theory that if a person was supported in his adversity by such friends of good character it was improbable that he committed the crime charged.

One of the laws of William the Conqueror was: If a man charged with theft had always borne a good character he might clear himself upon his own single oath, but he was permitted to select 11 men out of 14 if he had been previously convicted, his own with the 11 made 12 oaths. If these or any of them failed he was put to the ordeal.

It of course developed that it was easy for the accused to substantiate his oath by 12 men chosen by him for this purpose. Then followed the practice of calling neighbors of the accused out of which he must select 12 compurgators. If the man was of bad character then a triple number of neighbors was called, out of which the accused chose 36 to vouch for him. If he failed he went to the ordeal. Out of this there is no doubt grew the grand jury.

ORDEALS WERE OF THREE KINDS

First. Ordeal of hot iron, in which the accused had to take up and carry a pound of hot iron for a certain distance.

Second. Ordeal of hot water, in which the accused had to take out of a pitcher of boiling water a stone hanging by a string to the depth of his hand.

Third. Ordeal of the accursed morsel. The accused was compelled to swallow a piece of bread accompanied by a prayer that it might choke him if he were guilty.

After the Norman conquest the jury system grew into vogue. The grand jury made its first appearance in 1164. The sheriff was admonished to 12 lawful men of the neighborhood who declared before a bishop "to declare truth thereof according to their conscience."

Under Edward I the oath was as follows:

> Hear this ye justices that I will speak the truth of that which ye shall ask of me on the part of the King. I will do faithfully to the best of my endeavors, so help me God and these holy apostles.

The jury for a time consisted of the same for accusation and trial.

At first the right to trial by jury was a matter of the King's grace and favor to be bought according to the circumstances of the case.

In the middle of the thirteenth century an appeal could be made from the trial by jury to the trial by combat.

So the accuser oftentimes not only lost his property by theft but also lost his life to the skill at arms of the thief.

In the reign of Edward III the oath of trial jurors was as follows:

> Hear this ye justices that we will speak the truth of those things ye shall require from us on the part of our lord, the King, and will by no means omit to speak the truth, so help us God.

Then followed a period when the King tried to force the verdicts of jurors. Judges like Jeffreys threatened and often imprisoned and fined stubborn juries.

The cardinal doctrine to be tried by one's peers is the corner stone of English common law and around which raged for centuries the struggle for the liberties of the people against tyranny.

In 1215 it was written:

> 39. No freeman shall be arrested or detained in prison or deprived of his freehold, or outlawed or banished or in any way molested; and we will not set forth against him, nor send against him, unless by the lawful judgment of his peers and by the law of the land.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. GRAHAM. Mr. Speaker, how much time have I left?

The SPEAKER. Eight minutes.

Mr. GRAHAM. I yield to the gentleman from Virginia [Mr. TUCKER] five minutes.

The SPEAKER. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Speaker and ladies and gentlemen of the House, I want to vote for this bill. As I understand the basis of this bill, it is this: That a personal right, guaranteed to any citizen of the United States by the Constitution, may be surrendered by him. If it is his, why can it not be given up by him? If it is his, he has the right to give it up, and the Congress has not the power to put a condition upon that man that he must get the sanction of two other parties before he can do it. [Applause.]

There is your trouble. What have the district attorney and the court to do with my personal rights, although I might perhaps need counsel? [Laughter.]

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. TUCKER. Yes; certainly. I will put the gentleman in my place.

Mr. MONTAGUE. I wish to ask one question. The gentleman is considering the criminal altogether?

Mr. TUCKER. Yes.

Mr. MONTAGUE. The Government, too, is interested in the case, is it not?

Mr. TUCKER. Yes.

Mr. MONTAGUE. Why should not the prosecuting attorney be consulted?

Mr. TUCKER. Because he has nothing to do with a right the Constitution gives me.

You gentlemen who come from different sections of the country, and, unfortunately, do not come from the South, that blessed country where we have everything good and a good many people without advantages of education, and these, white and black, may be willing to surrender a right guaranteed by the Constitution because they do not quite understand the situation. When called upon to surrender such a right they are entitled to counsel, and my amendment simply requires the presence of his counsel when he has to make his decision. If a man is being tried in court under the Constitution, he is entitled to counsel and ought to have it. Will you not accept that amendment?

Mr. GRAHAM. We accept it.

Mr. TUCKER. I am much obliged to the gentleman for accepting it.

Mr. GRAHAM. Mr. Speaker, I wish to use at least a portion of my remaining three minutes, and in that time I am going to refer to the fact that every man under the Constitution is guaranteed counsel. He may have compulsory process for obtaining witnesses and have counsel furnished.

Now, one argument that impresses me, notwithstanding the reply of my good friend from Virginia, Governor MONTAGUE, is this: That this provision takes no care of counsel for the defendant. He is entitled to it, and I can not conceive of a judge on the bench trying a man accused of a felony or a capital case without counsel.

Mr. TUCKER. I would take no chance where liberty is involved. [Applause.]

Mr. GRAHAM. Yes; and I will take no chance where liberty is involved, and I am going to send up an amendment, which I suggest, to strike out the words "consent of Government counsel and," which will make it perfectly safe for any defendant, whoever he may be. And I am also going to offer in my time another amendment to include the courts of the District of Columbia.

Mr. MONTAGUE. Does not the gentleman think that that ought to be stricken out? It requires the assent of the prosecutor and the court and the defendant. You strengthen the defense instead of weaken it.

Mr. GRAHAM. I think the sanction ought to be given, but I think he ought to be relieved of the prejudice or the personal influence, emanating from the prosecuting attorney.

Mr. MONTAGUE. Under this the prosecuting attorney must assent to it. Is not the criminal thereby protected by the prosecuting attorney?

Mr. GRAHAM. Certainly.

Mr. MONTAGUE. Will the gentleman allow me to read for him the decision of the Supreme Court?

Mr. GRAHAM. Yes.

Mr. MONTAGUE. In the Patton case, after the court has extolled the beneficence of jury trials, it makes this expression:

> Before any waiver can become effective the assent of the Government counsel and the sanction of the court must be had in addition to the intelligent consent of the defendant.

That is understood to strengthen the right of the defendant, and it also protects in some measure the Government.

Mr. CLARK of Maryland. That was quoted from the Patton case decision?

Mr. MONTAGUE. Yes.

Mr. GRAHAM. I am not disturbed by the theory that we are disturbing the fundamentals and sacrificing liberty, as expressed by some of the Members on the floor, because if this bill does not pass—which is only declaratory of the law—the same old fundamentals which we have to-day and which they say exist will protect the defendant, and they say no law is necessary.

Mr. HAMMER. Will the gentleman agree to an amendment, on page 1, line 4, after the word "except" and before the word "as," to include the following, "except in capital cases"?

Mr. GRAHAM. No; I think not, because there are other cases.

Mr. BRAND of Georgia. Will the gentleman yield for a question?

Mr. GRAHAM. I yield.

Mr. BRAND of Georgia. Would the gentleman have any objection to an amendment being offered providing when a defendant is willing to waive trial by jury and be tried by a court, if he is charged with a felony, for the appointment of counsel to defend him, if the defendant makes request for counsel, basing it upon the ground that he is unable to employ counsel?

Mr. GRAHAM. The Constitution guarantees that. It is one of his rights now, and in my 18 years' experience as a prosecuting officer I never saw a court refuse to take care of a defendant's rights.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. GRAHAM] has expired.

Mr. GRAHAM. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. GRAHAM: Page 1, line 4, after the word "States," insert the following: "and courts of the District of Columbia."

The amendment was agreed to.

Mr. GRAHAM. Mr. Speaker, I offer another amendment.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. GRAHAM: On page 1, in line 9, after the word "with," strike out "the consent of Government counsel and."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BROWNING) there were—ayes 142, noes 65.

So the amendment was agreed to.

Mr. GRAHAM. Mr. Speaker, I move the previous question.

Mr. CELLER. Will the gentleman yield? Will the chairman yield for an amendment?

Mr. GRAHAM. Not now.

Mr. O'CONNOR of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR of New York. As I understand the situation now, the only opportunity to offer any other amendment to this bill would be to vote down the previous question?

The SPEAKER. That would be the correct procedure.

The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. O'CONNOR of New York) there were—ayes 170, noes 64.

So the previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. GRAHAM) there were—ayes 174, noes 84.

Mr. LINTHICUM. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 228, nays 108, not voting 92, as follows:

[Roll No. 58]

YEAS—228

Adkins	Dowell	Johnson, Tex.	Rankin
Aldrich	Drane	Johnson, Wash.	Reece
Allen	Drewry	Jonas, N. C.	Reed, N. Y.
Allgood	Driver	Jones, Tex.	Reid, Ill.
Andresen	Dunbar	Kelly	Robinson
Arentz	Edwards	Kemp	Rogers
Arnold	Elliott	Kendall, Ky.	Sanders, N. Y.
Aswell	Ellis	Kincheloe	Sanders, Tex.
Ayres	Eslick	Kinzer	Sandlin
Bachmann	Evans, Calif.	Kopp	Sears
Baird	Finley	Kurtz	Seiberling
Barbour	Fisher	Kvale	Selvig
Beedy	Frear	Lambertson	Shaffer, Va.
Beers	Freeman	Lanham	Shott, W. Va.
Blackburn	French	Lankford, Ga.	Shreve
Bland	Fuller	Lankford, Va.	Simmons
Blanton	Garner	Lea	Sinclair
Bohn	Garrett	Leavitt	Smith, Idaho
Bolton	Gasque	Leech	Snell
Box	Gibson	Lozier	Snow
Brand, Ohio	Gifford	Luce	Sparks
Briggs	Glover	Ludlow	Speaks
Browne	Goldsborough	McClintock, Ohio	Sproul, Ill.
Browning	Goodwin	McDuffie	Stalker
Buckbee	Graham	McFadden	Steagall
Burtness	Green	McLaughlin	Stobbs
Busby	Gregory	McLeod	Strong, Kans.
Butler	Guyer	McReynolds	Strong, Pa.
Byrns	Hadley	Mapes	Sommers, Wash.
Cable	Hale	Menges	Sumners, Tex.
Campbell, Iowa	Hall, Ill.	Michener	Swanson
Canfield	Hall, Ind.	Miller	Swick
Cannon	Hall, N. Dak.	Milligan	Swing
Carter, Calif.	Halsey	Montague	Taber
Carter, Wyo.	Hancock	Moore, Ky.	Tarver
Cartwright	Hardy	Moore, Ohio	Thatcher
Chindblom	Hastings	Moore, Va.	Thurston
Christgau	Haugen	Morehead	Timberlake
Christopherson	Hickey	Morgan	Wainwright
Clague	Hill, Ala.	Mouser	Walker
Clark, Md.	Hill, Wash.	Murphy	Warren
Cole	Hoch	Nelson, Me.	Wason
Collier	Hogg	Nelson, Mo.	Watres
Colton	Holaday	Nelson, Wis.	Watson
Cooper, Ohio	Hooper	O'Connor, Okla.	Welsh, Pa.
Cooper, Tenn.	Hope	Oldfield	Whittington
Cooper, Wis.	Houston	Patman	Wigglesworth
Cox	Huddleston	Patterson	Williamson
Coyle	Hudson	Perkins	Wilson
Crail	Hull, Morton D.	Pou	Wolfenden
Crisp	Hull, Wis.	Pritchard	Wolverton, N. J.
Cross	Jeffers	Purnell	Wolverton, W. Va.
Crowther	Jenkins	Quin	Wood
Culkin	Johnson, Ind.	Ragon	Woodruff
Davis	Johnson, Nebr.	Ramey, Frank M.	Woodrum
Denison	Johnson, Okla.	Ramseyer	Wright
Doughton	Johnson, S. Dak.	Ramspeck	Wyant

NAYS—108

Ackerman	DeRouen	Kading	O'Connor, N. Y.
Almon	Dickstein	Kahn	Oliver, N. Y.
Auf der Heide	Dominick	Kendall, Pa.	Palmer
Bacon	Douglass, Mass.	Kennedy	Palmisano
Bell	Doxey	Kerr	Pittenger
Black	Dyer	Kiefner	Prall
Bowman	Eaton, N. J.	Knutson	Pratt, Ruth
Boylan	Englebright	LaGuardia	Quayle
Brand, Ga.	Fenn	Lampert	Rainey, Henry T.
Britten	Fish	Lehlbach	Ransley
Brumm	Fitzpatrick	Letts	Rutherford
Brunner	Foss	Lindsay	Sabath
Burdick	Fulmer	Linthicum	Schafer, Wis.
Campbell, Pa.	Gambrill	McClintic, Okla.	Schneider
Carley	Garber, Okla.	McCormack, Mass.	Seger
Celler	Gavagan	McCormick, Ill.	Short, Mo.
Chalmers	Golder	McKeown	Simms
Clancy	Granfield	McMillan	Smith, W. Va.
Clark, N. C.	Griffin	McSwain	Somers, N. Y.
Cochran, Mo.	Hall, Miss.	Mansfield	Sproul, Kans.
Connery	Hammer	Martin	Stafford
Cooke	Hare	Merritt	Tinkham
Corning	Hartley	Michaelson	Tucker
Crosser	Hess	Montet	Vinson, Ga.
Cullen	Howard	Niedringhaus	Welch, Calif.
Dallinger	Irwin	O'Connell	Whitley
Darrow	Johnston, Mo.	O'Connor, La.	Wurzbach

NOT VOTING—92

Abernethy	Bloom	Cochran, Pa.	Curry
Andrew	Brigham	Collins	Davenport
Bacharach	Buchanan	Connolly	Dempsey
Bankhead	Chase	Craddock	De Priest
Beck	Clarke, N. Y.	Cramton	Dickinson

Douglas, Ariz.	Igoe	Oliver, Ala.	Taylor, Colo.
Doutrich	James	Owen	Taylor, Tenn.
Doyle	Johnson, Ill.	Parker	Temple
Eaton, Colo.	Kearns	Parks	Thompson
Estep	Ketcham	Peavey	Tilson
Esterly	Kiess	Porter	Treadway
Evans, Mont.	Korell	Pratt, Harcourt J.	Turpin
Fitzgerald	Kunz	Rayburn	Underhill
Fort	Langley	Romjue	Underwood
Free	Larsen	Rowbottom	Vestal
Garber, Va.	Maas	Sirovich	Vincent, Mich.
Greenwood	Magrady	Sloan	White
Hawley	Manlove	Spearing	Whitehead
Hoffman	Mead	Stedman	Williams
Hopkins	Mooney	Stevenson	Wingo
Hudspeth	Newhall	Stone	Yates
Hull, Tenn.	Nolan	Sullivan, N. Y.	Yon
Hull, William E.	Norton	Sullivan, Pa.	Zihlman

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Parker (for) with Mr. Bloom (against).
Mr. Fort (for) with Mr. Mooney (against).
Mr. Harcourt J. Pratt (for) with Mr. Mead (against).
Mr. Kiess (for) with Mr. Igoe (against).
Mr. Brigham (for) with Mr. Sullivan of New York (against).
Mr. Ketcham (for) with Mrs. Norton (against).
Mr. Eaton of Colorado (for) with Mr. Kunz (against).
Mr. Abernethy (for) with Mr. Sirovich (against).
Mr. Greenwood (for) with Mr. Spearing (against).
Mr. Free (for) with Mr. Doyle (against).

Until further notice:

Mr. Connolly with Mr. Stevenson.
Mr. Beck with Mr. Bankhead.
Mr. Manlove with Mr. Wingo.
Mr. Bacharach with Mr. Romjue.
Mr. Esterly with Mr. Underwood.
Mr. Hawley with Mr. Buchanan.
Mr. Cramton with Mrs. Owen.
Mr. Treadway with Mr. Whitehead.
Mr. Davenport with Mr. Collins.
Mr. Temple with Mr. Hull of Tennessee.
Mr. Vestal with Mr. Williams.
Mr. Tilson with Mr. Douglas of Arizona.
Mr. Hopkins with Mr. Yon.
Mr. Turpin with Mr. Larsen.
Mr. Doutrich with Mr. Evans of Montana.
Mr. Thompson with Mr. Parks.
Mr. Yates with Mr. Oliver of Alabama.
Mr. Kearns with Mr. Rayburn.
Mr. Nolan with Mr. Taylor of Colorado.
Mr. Clarke of New York with Mr. Stedman.
Mr. Dempsey with Mr. Hudspeth.
Mr. De Priest with Mr. Magrady.
Mr. Cochran of Pennsylvania with Mrs. Langley.
Mr. Estep with Mr. Taylor of Tennessee.
Mr. Chase with Mr. Vincent of Michigan.

Mr. FITZGERALD. Mr. Speaker, I was not in the Chamber when my name was called. If permitted to vote, I would vote "yea."

Mr. YATES. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. YATES. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. CRAMTON. Mr. Speaker, I regret to say I was not present when my name was called. I came in about one minute too late. If I were permitted to vote, I would vote "yea."

Mr. O'CONNELL. Mr. Speaker, I want to announce the necessary absence of the lady from New Jersey, Mrs. NORTON. If she were present, she would vote "nay."

Mr. SLOAN. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SLOAN. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

OLEOMARGARINE

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6, a bill to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table House bill 6, disagree to the Senate amendments, and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. HAUGEN, PURNELL, and ASWELL.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the House of Representatives is requested to return to the Senate the bill (S. 4442) entitled "An act relating to suits for infringement of patents where the patentee is violating the antitrust laws."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12236) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1931, and for other purposes."

The message also announced that the Senate had passed, without amendment, a concurrent resolution and bills of the House of the following titles:

H. Con. Res. 28. Concurrent resolution authorizing the appointment of a joint committee of Congress to attend the one hundred and twenty-fifth anniversary of the celebration of American independence by the Lewis and Clark Expedition on July 4, 1805, to be held at Great Falls, Mont., July 4, 1930;

H. R. 11282. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tenth Street in Bettendorf, State of Iowa; and

H. R. 11547. An act to provide for the erection of a marker or tablet to the memory of Joseph Hewes, signer of the Declaration of Independence, member of the Continental Congress, and patriot of the Revolution, at Edenton, N. C.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3272. An act to authorize the dispatch from the mailing post office of metered permit matter of the first class prepaid at least 2 cents but not fully prepaid and to authorize the acceptance of third-class matter without stamps affixed in such quantities as may be prescribed; and

S. 3599. An act to provide for the classification of extraordinary expenditures contributing to the deficiency of postal revenues.

AMENDMENT OF THE UNITED STATES CODE

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 10341) to amend section 541 of the United States Code, being section 335 of the Criminal Code.

The SPEAKER. The gentleman from Pennsylvania calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 541 of the United States Code, being section 335 of the Criminal Code (March 4, 1909, ch. 321, par. 335; 35 Stat. 1152) be amended to read as follows:

"All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors: *Provided*, That all offenses not involving moral turpitude, the penalty for which does not exceed confinement in a common jail, without hard labor for a period of six months, or a fine of not more than $500, or both, shall be deemed to be petty offenses; and all such petty offenses may be prosecuted before the United States commissioner, as may now or hereafter be provided by law, upon information or complaint."

With the following committee amendments:

In line 3, on page 1, strike out "541 of the United States Code, being section."

In line 4, page 1, strike out "(March 4, 1909."

In line 5, page 1, strike out the parenthesis after the figures "1152" and insert "(sec. 541, title 18, U. S. C.)."

In line 10, page 1, strike out the words "not involving moral turpitude."

In line 4, on page 2, strike out the words "before the United States commissioner, as may now or hereafter be provided by law."

Mr. GRAHAM. Mr. Speaker, this is a bill intended to amend section 541 of the United States Code, being section 335 of the Criminal Code. The law as it stands to-day is a brief sentence which reads as follows:

All offenses which may be punished by death or imprisonment for a term exceeding one year shall be deemed felonies. All other offenses shall be deemed misdemeanors.

The amendment to that law by this bill would make it read as follows:

Provided, That all offenses the penalty for which does not exceed confinement in a common jail, without hard labor, for a period of six months or a fine of not more than $500, or both, shall be deemed to be petty offenses; and all such petty offenses may be prosecuted upon information or complaint.

The purpose of the bill is to pave the way for what might be termed the Stobbs bill, which further defines what constitutes petty offenses.

This amendment, as you will notice, is not an amendment confined to liquor cases or anything of that kind, but it is an amendment to the code drawing the dividing line between felonies and misdemeanors as to the matter of punishment by a fine not exceeding $500 or imprisonment not exceeding six months. That was in order that we might have a class of offenses that could be proceeded against by information. It does away with the cumbersome machinery of grand-jury interventions and the finding of bills. The prosecuting officer may proceed by information before the commissioner, and being a misdemeanor and coming within that class, it will facilitate the prosecution and disposition of cases, so that it is hoped the present congestion will be relieved.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. GRAHAM. Yes.

Mr. LINTHICUM. The gentleman stated this is to facilitate the Stobbs bill; is it not also for the purpose of facilitating the trial of cases under the Christopherson bill before a commissioner; that is, to reduce them to misdemeanors so they can be tried before a commission; and if an appeal is taken, then they are to be tried by the court. Is not that the purpose of the bill?

Mr. GRAHAM. I think the gentleman is mistaken in his conception of the bill. The bill has no reference to trials before a commissioner; in fact, the objectionable features that prevailed in the commissioners' bill, in my humble judgment, have been eliminated; not altogether, perhaps, but almost entirely so.

Mr. LINTHICUM. I want to say to the gentleman that it brings many cases within the jurisdiction of the commissioner; in other words, it is a companion bill to the commissioners' bill.

Mr. GRAHAM. No; I would say it is a companion bill to the Stobbs bill.

Mr. O'CONNOR of New York. Will the gentleman yield there?

Mr. GRAHAM. Yes.

Mr. O'CONNOR of New York. Would the gentleman's bill providing for trials before commissioners be effective without this bill?

Mr. GRAHAM. Perfectly. It is an independent measure.

Mr. O'CONNOR of New York. You would not have the right to use an information or complaint without this bill. This bill is a companion bill to the commissioners' bill, whether the chairman of the Judiciary Committee knows it or not.

Mr. GRAHAM. Well, I am probably ignorant of that fact. I do not know that it is a companion bill to the commissioners' bill.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. MOORE of Virginia. I would like to ask the gentleman a question, which I think deserves consideration. The purpose of the bill is to dispense with presentments by grand juries in a certain class of cases.

Mr. GRAHAM. Yes.

Mr. MOORE of Virginia. That class of cases is described in this way:

> That all offenses, the penalty for which does not exceed confinement in a common jail, without hard labor, for a period of six months, or a fine or not more than $500, or both, shall be deemed to be petty offenses; and all such petty offenses may be prosecuted upon information or complaint.

But there are such offenses that were crimes at common law when the Constitution was adopted and are deemed infamous and must be prosecuted by indictment, and the gentleman's bill therefore would be covering cases which permissibly may be prosecuted upon information, but including cases that are compellably prosecuted on indictment.

Mr. GRAHAM. Well, does the gentleman see any objection to that in view of the fact that the distinction that existed at common law was wiped out by the law as it now stands on the statute books? The line between felony and misdemeanor does not depend upon the old rule of penalty, forfeiture, death, and so forth; but an arbitrary distinction between felony and misdemeanor was made by act of Congress.

Mr. MOORE of Virginia. I quite understand that, but the point I am trying to make is that in this class of cases carved out here you include cases of offenses that are infamous and must be laid before grand juries.

Mr. STOBBS. If the gentleman from Pennsylvania will permit, the phraseology of this bill is used purposely to exclude, or not to include, any case that is infamous. The Supreme Court of the United States has declared that there are three classes of cases that are infamous and as such have the protection of Article V of the Amendments to the Constitution; first, where there is a sentence of hard labor—this bill therefore uses the expression "without hard labor."

Mr. MOORE of Virginia. I agree to that.

Mr. STOBBS. Second, where there is a sentence of over a year; and this bill distinctly says "for a period of six months." The third classification is where there is a sentence to a penitentiary; and this bill uses the expression "in a common jail."

So to make the case an infamous case, where the man would be entitled to indictment by a grand jury, you must have one of these three things, and this bill expressly eliminates all three of them.

Mr. MOORE of Virginia. I think my friend overlooks this fact: There are some misdemeanors where the punishment may not be more than six months in jail or more than $500, and they are nevertheless infamous.

Mr. STOBBS. Yes; if they are punishable by hard labor.

Mr. MOORE of Virginia. The punishment does not determine whether they are infamous or not. You may have an infamous offense punishable by a fine simply or by confinement in jail for a month.

Mr. STOBBS. If it is at hard labor.

Mr. MOORE of Virginia. And without hard labor. You may have an offense that is infamous that may be punishable this way or that way, and yet if it is infamous it requires an indictment in order to be prosecuted.

Mr. STOBBS. I agree with the gentleman; but these three things are involved, and if they do not come within that classification they are not infamous.

Mr. GRAHAM. Mr. Speaker, I reserve the balance of my time.

Mr. CELLER. Will the gentleman from Pennsylvania now yield me some time?

Mr. GRAHAM. I have promised to yield first to the gentleman from Virginia [Mr. TUCKER]. I yield 10 minutes to the gentleman from Virginia.

Mr. TUCKER. Mr. Speaker, ladies and gentlemen of the House, I think my good friend, Mr. CHRISTOPHERSON, who brings this bill in, has gotten into the right church but he is in the wrong pew. He is carrying out a suggestion that has been made by the commissioners on law enforcement to us which I think is a most admirable one. It seeks to cure—I hate to mention it—some of what people think are the defects of that blessed Jones law.

Now what is it? As the colored folks down in my country say, "when biled down," it is a simple bill to define petty offenses. What are they? That is the whole gist of this matter. What is a "petty offense"?

There is not a man in this House that does not know what a petty offense is. As American citizens we have all been raised very much alike. You remember, as I do, when we were children certain things we could do and certain things we could not do; and as to those things that we could not do there were certain penalties, and as to certain other things there were larger penalties. I remember that one of the rules we had in our family was that if you did not get down in time for prayers in the morning you could have no butter for breakfast. That was a petty offense. We broke the law, but it was petty, it was trivial.

Another one was that if we did not remember the text of the preacher on Sunday we could not have any dessert for dinner. That was a petty offense. And, by the way, I remember so well how my good father invoked that splendid doctrine of equity. He did not want to cut us off from having our dessert at dinner, and so he said, "I will tell you what I will do—go home quick and learn the text before dinner." The law had been broken, but by an application of the equitable doctrine of putting the parties back in the position they were before the contract was broken we learned the text before dinner, the breach was healed, and we were all right at dinner. That was a petty offense.

Now, my brothers, do you not remember—and I see that Governor MONTAGUE knows what I am coming to—if you were out after dark at night, or if you told a lie to your father or your mother, that was not petty—that brought a switching. A petty offense lacks turpitude—there is no immorality in it.

But how does this bill go in describing petty offenses? It says, after describing felonies and misdemeanors—all other offenses shall be punished by what? By six months' confinement in jail and $500 fine, or both. And that shall be known as a petty offense. Is it? Can you make an offense petty by calling it so? That does not make it petty. Ah! And the Supreme Court has said just that.

How often we have been disappointed when a little baby comes into the family that we were anxious to name after its

mother, but it was a boy. We could not make the baby another sex by calling it Sally instead of Johnnie. [Laughter.]

It is not in the name; that does not make an offense. We may stand here and pass these laws and call a thing petty, for the Supreme Court has the power and has exercised it by saying, "Away with such things."

When you put a man in jail that is not petty. The clang of the jail door, if it only keeps the man there for a day, is not petty.

Be not deceived, men and brethren, about this matter. I believe in the doctrine of fixing what is a petty offense. I think it is the right thing, but do not take a big offense and call it petty, for the courts will not sustain it.

How many of you represent farm communities? I do. Under this bill a boy who has been taken up and brought to court on a petty offense of selling a drink of whisky, or, I am sorry to say, a girl, for carrying a little flask which her mother gives her nowadays, could be taken to the jail for six months and fined $500. Is that a petty offense?

Mr. O'CONNOR of Oklahoma. Does mamma give her the flask, or does she just lend her her own?

Mr. TUCKER. If her own is in use, she can not lend it, and sometimes it is in use. You see what I am driving at. I believe in defining petty offenses. Here is a farmer boy who is taken up in your country or mine and convicted and sentenced to jail for six months. He goes in on the 1st of April and comes out on the 1st of October. During that time he is looking through the bars of the windows at the fields beyond.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. TUCKER. Mr. Speaker, I ask the gentleman from Pennsylvania to give me a little more time. Let me get my boy out of jail, anyway.

Mr. GRAHAM. I yield five minutes more to the gentleman from Virginia.

Mr. TUCKER. Here is a boy who is watching out of the window at the fellows who are planting corn and oats, and he stays there until October, through seed time and harvest time, and when you go down to see your client come out in October, you say to him, "John, I am so glad that you are out, but you were only in for a petty offense." Petty, the devil! Why, there is no greater offense that you could put on that boy. You have taken away from him the power to work for six months, and yet expect him to pay the fine, and you could keep him in jail for six months more for not paying the fine. I believe in the petty offense, and I believe that this bill should be amended to strike out the penalty of six months and $500 and make it not more than $100. Then you will have a petty offense. There would be nothing in the penalty taking away a man's liberty.

Justice Brewer, in Schick against United States, said:

> The truth is, the nature of the offense and the amount of punishment prescribed rather than its place in the statutes determines whether it is to be classed among serious or petty offenses, whether among crimes or misdemeanors.

The nature of the crime and the penalty must be correlated. Suppose there is an ordinance here in the city of Washington providing that if a man crosses the street in the middle of a square instead of at the corner he shall be put in jail for six months. Would you call that a petty offense? No. Then a petty offense within itself must not only be trivial, but the penalty for it must be. I put it to you as American citizens to say whether this bill which puts it in the power of the court to put a man or woman in jail for six months for giving a drink to a friend or selling a drink or transporting it makes merely a petty offense. The court, in the Schick case, takes that view, as stated by Justice Harlan and Justice Brewer.

I now ask the right to offer this amendment, simply changing the penalty from six months in jail and $500 fine to not more than $100. I want the consent of the chairman to offer this amendment.

Mr. GRAHAM. I can not do it.

The SPEAKER. The time of the gentleman from Virginia has again expired.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker and gentlemen of the House, I said that these bills, H. R. 10341 and H. R. 9937, are companion bills. I quite agree with the gentleman from Virginia in his theory of petty offenses, but that is not the intention of this bill. This bill is to raise the limit of petty offenses as high as it is possible to do it, so that those cases may be tried by the commissioner without a jury. That is the idea. Designate a petty offense as one as high as you can, so that when it comes to trial the petty offense may be tried by a commissioner. Let me read to you a little of the language of H. R. 10341, now before us:

> All other offenses shall be deemed misdemeanors: *Provided*, That all offenses, the penalty for which does not exceed confinement in a common jail, without hard labor, for a period of six months, or a fine of not more than $500, or both, shall be deemed to be petty offenses; and all such petty offenses may be prosecuted upon information or complaint.

Now, let us take the other bill, H. R. 9937, and the first words in it are:

> That in prosecutions by complaint or information for petty offenses, the accused shall plead to the complaint or information.

So I say to you that these two bills are companion bills. One of them brings a vast number of offenses under that provision so that they can be tried by the commissioners. If you are in favor of trial by commissioners without a jury, then vote for this bill. If you are against trial by commissioners without a jury, vote against the bill. They are companion bills. One is feeding grist into the machine for the commissioners to grind; that is the whole situation.

One of them provides for this vast number of petty offenses and the other provides for trial before the commissioners. I sincerely trust that gentlemen here who are opposed to breaking down the very foundation of our Government, namely, trial by jury, will vote against this bill, and I hope that they will defeat it. If you defeat this bill, the commissioner bill will never come up, because there will be no provision for using commissioners.

The bill is against the principles established by our Government and for which the Anglo-Saxon people fought for centuries, and it is against the traditions of our country. We should not imperil our institutions on account of prohibition.

Mr. CLARK of Maryland. In what respect is the case tried by a jury in this bill?

Mr. LINTHICUM. First the defendant is tried by a commissioner, and then he is tried by a jury, provided he files appeal. The defendant is on bail or in jail until all these cases come up. When the man waives a jury trial the court never has a chance to see a witness, and the whole thing is in such shape that it would take 60 days for a man to find out what he was up against. [Applause.]

Mr. LAGUARDIA. That is the purpose of this bill.

Mr. CLARK of Maryland. I do not agree with the gentleman.

Mr. SUMNERS of Texas. Mr. Speaker, will the gentleman from Pennsylvania yield to me five minutes? I am a member of the committee.

Mr. GRAHAM. I yield to the gentleman.

Mr. SUMNERS of Texas. I want to direct the attention of Mr. CHRISTOPHERSON, the gentleman in charge of this bill and the chairman of the committee, to the fact that this bill, as I construe it from a hurried examination just made, may preclude a grand jury from the privilege and right of returning an indictment with regard to these so-called petty offenses. Now, I submit to the judgment of gentlemen here that that power ought clearly to be preserved to the grand jury.

Mr. MICHENER. This is a limitation. It says all such petty offenses may be prosecuted. Certain people were very anxious that the word "shall" should not be inserted in place of the word "may."

Mr. SUMNERS of Texas. I want to be certain on the point raised and therefore I want in the RECORD what amounts to a legislative construction of the bill. That it is the understanding of the author of the bill, now in charge of it, and of the gentlemen of the committee, that this bill as now presented does not preclude the grand jury from the privilege and right to return indictments in the class of cases and offenses designated in this bill as petty.

Mr. CHRISTOPHERSON. Absolutely not.

Mr. LAGUARDIA. So that the defendant is at the mercy of the district attorney. If the district attorney wants to indict him, he can. If he does not want to indict him, he need not.

Mr. MICHENER. Under the legislation proposed here to-day the penalty would be no different for the offense committed, whether the man was indicted or was prosecuted by information.

Mr. SUMNERS of Texas. I will say to the gentleman from New York [Mr. LAGUARDIA] that, so far as I am acquainted with jurisdictions, it is usual in almost all jurisdictions for such cases to be prosecuted upon complaint and information or upon indictment. I do not see why such cases should not be so tried in the Federal courts.

Mr. GRAHAM. Mr. Speaker, I move the previous question.

Mr. CELLER. Will the gentleman yield to me five minutes?

Mr. GRAHAM. I regret I can not.

Mr. CELLER. Mr. Speaker, I make the point of no quorum.

Mr. STOBBS. The gentleman from Pennsylvania is going to yield. Will not the gentleman from New York withdraw his point of order?

The SPEAKER. The gentleman from New York makes the point of no quorum. The Chair will count.

Mr. LAGUARDIA. Mr. Speaker, we should not be put in the position of begging for time. It is outrageous. The chairman of the committee assured us in committee that we would have the time necessary to intelligently discuss these bills. Let us be fair about it. A Member should not be obliged to go on his knees to his chairman for time. That is not fair play. It is gag rule in the most vicious form. [Applause.]

The SPEAKER (after counting). Two hundred and thirty Members are present—a quorum. The question is on agreeing to the motion for the previous question.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 198, noes 40.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. TUCKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Virginia offers a motion to recommit. The Clerk will report the motion.

The Clerk read as follows:

Motion made by Mr. TUCKER to recommit the bill to the Committee on the Judiciary, with instructions to report the same back forthwith with the following amendment: Page 1, line 11, after the word "exceed," strike out all the words down to and including the words "six months" in line 1 of page 2, and in line 3 of page 2, after the word "than," strike out the words "$500, or both," and insert in lieu thereof "$100," so that it will read "not to exceed a fine of more than $100."

Mr. GRAHAM. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. TUCKER] to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. TUCKER) there were—ayes 53, noes 180.

Mr. LAGUARDIA. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 181, noes 48.

Mr. LINTHICUM. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

NAVY APPROPRIATION BILL

Mr. FRENCH offered for printing the conference report on the bill (H. R. 12236) making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1931, and for other purposes.

NATIONAL PROHIBITION BILL

Mr. GRAHAM. Mr. Speaker, I call up the bill (H. R. 9985) to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929.

The SPEAKER. The gentleman from Pennsylvania calls up the bill H. R. 9985, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to amend the national prohibition act, as amended and supplemented," approved March 2, 1929 (U. S. C., Sup. III, title 27, sec. 91), is hereby amended by striking out the words: "*Provided*, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor, or attempts to commercialize violations of the law," and inserting in lieu thereof the following:

"*Provided*, That any person who violates the provisions of the national prohibition act, as amended and supplemented, in any of the following ways: (1) by a single sale, by a person not engaged in habitual violation of the law, of liquor as that word is defined by section 1 of Title II of said act; (2) by unlawful making of small quantities of liquor, as that word is defined by said section, where no other person is employed; (3) by assisting in unlawfully making or unlawfully transporting of liquor, as above defined, as a casual employee only; (4) by unlawful transporting of small quantities of liquor, as above defined, by a person not habitually engaged in transportation of illicit liquors or habitually employed by habitual violators of the law, shall for each offense be subject to a fine of not to exceed $500 or to be confined in jail, without hard labor, not to exceed six months, or both."

With the following committee amendments:

Page 1, line 3, after the words "that the," insert the words "proviso in the."

Page 1, line 7, after the word "amended," strike out the balance of line 7 and all of lines 8, 9, and 10; and on page 2, strike out all of line 1 and line 2 down to and including the word "following."

In line 2, page 2, insert the words "to read as follows."

On page 2, line 5, at the end of the line, strike out the word "single."

Page 2, line 7, after the word "of," insert the following words "not more than 1 gallon of."

Page 2, line 9, after the word "of," strike out the words "small quantities of."

Page 2, line 10, after the word "section," insert the following words "in an amount not exceeding 1 gallon."

Page 2, line 14, strike out the words "small quantities of" and insert "not exceeding 1 gallon of."

Page 2, line 15, after the word "engaged," strike out "in transportation of illicit liquors or habitually employed by habitual violators of the law" and insert the words "or employed in violation of the law."

Mr. GRAHAM. Mr. Speaker, I have only a word or two to say, and I will only take three minutes.

This bill is part of a series of bills which, taken together, make the program that has been put through to answer the request of the President of the United States.

When the Jones law was passed it contained this language—

Provided, That it is the intent of Congress that the court, in imposing sentence hereunder, should discriminate between casual or slight violations and habitual sales of intoxicating liquor or attempts to commercialize violations of the law.

The Stobbs bill is the answer to that expression of the intent of Congress in the proviso to the Jones law, and was conceived and put in form by the Committee on the Judiciary, after conference with the Attorney General, with the commission appointed by the President for law enforcement, and with all the information we could gather and after days of consideration and discussion in the committee.

The bill defines "casual and slight violations" and would enact a penalty that would bring it within the amendment to the code which has just been adopted for proceeding against such offenders by information.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. LAGUARDIA. The Stobbs bill then in effect amends the Jones bill by not leaving the question of casual and slight offenses to the court, but by defining those offenses, and it is an amendment to the so-called Jones Act, is it not?

Mr. GRAHAM. As I understand it; yes. We may call it anything we please, but that is the effect of it.

Mr. MOORE of Ohio. It amends the proviso in the Jones Act.

Mr. GRAHAM. That is correct.

Mr. LAGUARDIA. It amends something that many of us opposed at the time?

Mr. GRAHAM. Well, I do not answer that question.

Mr. SCHAFER of Wisconsin. Will the gentleman yield?

Mr. GRAHAM. I yield.

Mr. SCHAFER of Wisconsin. I was one of those who voted against the Jones Act, and I am wondering how the Anti-Saloon League, which strongly supported the Jones Act, feels about this wet amendment to the Jones Act?

Mr. GRAHAM. I have not consulted with them, and not being a mind reader, I can not answer the gentleman.

Mr. Speaker, I move the previous question.

Mr. O'CONNOR of New York. Mr. Speaker, I make the point of order that there is no quorum.

The SPEAKER. The Chair will count. Two hundred and seventy-two Members are present, a quorum.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to withdraw my motion to order the previous question, because

there are certain members of the committee who desire to make addresses.

The SPEAKER. Without objection, the motion of the gentleman from Pennsylvania is withdrawn.

There was no objection.

Mr. GRAHAM. Mr. Speaker, I yield 15 minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Speaker, we are not going to take any long time in the discussion of this bill. I simply want to make a statement or two by way of clarifying or eliminating some misunderstandings that have existed as different Members have spoken to me with reference to the bill.

When the Jones Act was passed, as has already been explained, every violation of the national prohibition act under the Jones law was made a felony. That always seemed to be unfair dealing with minor violations.

The illustration is very often used of a man who is simply transporting a small quantity of liquor. The illustration was used at the time the bill was considered here of a college boy going to a football game with a flask of liquor on his hip. He ought not to be under the stigma of being a felon. It ought not to be possible to sentence that boy for five years in jail or in the penitentiary or be fined $10,000. We ought to deal with some of these minor violations with minor punishments. So that is what this bill seeks to do. It is to create certain minor offenses and to provide for minor punishments. It is not a question of wet or dry. It is not a question of any prejudice one way or the other.

It is simply a question that instead of leaving it to the discretion of the court we are simply, as a matter of legislative policy, leaving it to Congress to say what is and what will not be a minor violation of law, and we are fixing minor penalties for such violations. That is all there is to the bill.

Mr. McKEOWN. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. McKEOWN. The Attorney General said this bill would weaken the present prohibition law, did he not?

Mr. STOBBS. I do not know what the Attorney General said.

Mr. LAGUARDIA. Certainly he did. Of course, he did.

Mr. HUDSON. Will the gentleman yield?

Mr. STOBBS. I yield.

Mr. HUDSON. I would like to ask the gentleman if he would consider a man with a quart in each pocket a minor bootlegger? He would be a minor bootlegger, would he?

Mr. STOBBS. Do not ask me to classify those circumstances.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from West Virginia [Mr. BACHMANN].

Mr. BACHMANN. Mr. Speaker and gentlemen of the House, I am a member of the subcommittee which has been considering this program for the last three months. I expect to vote for this bill. I want to say to the Members of the House that this is one of the most important bills you will have to consider this afternoon, and yet you are taking less time for the consideration of it than you gave to the consideration of the bills you have already passed.

This is an important bill. This bill amends the Jones law and creates petty offenses in so far as it applies to the transportation of liquor, the sale of liquor, and the manufacture of liquor. It fixes the dividing line at 1 gallon. Anybody who sells, transports, or manufactures 1 gallon of liquor or less, as the word "liquor" is defined by the national prohibition act, is taken to be a petty offender, but if he transports, sells, or manufactures more than a gallon it is a felony, requiring an indictment by a grand jury. Under the Jones law every man who transports liquor, who sells liquor, or who manufactures liquor in any amount must be indicted by a Federal grand jury. This bill will take away these petty offenses, so that they may be heard before a United States commissioner, or the district attorney may proceed on information without submitting the case to a grand jury.

But here is what I want to call to the attention of the House: When you are talking about the manufacture of liquor you are talking about the manufacture of three different things. You are talking about the manufacture of whisky; you are talking about the making of home-brewed beer; and you are talking about the making of wine. Now, this bill will have no practical effect in so far as manufacture is concerned if it is not amended in one or two particulars.

Did any Member of this House who ever had any experience in the practice of law ever prosecute or ever defend or ever hear of any man who would go to the trouble to make 1 gallon of home-brewed beer? Such a thing does not exist. You know and I know and everybody knows who has ever prosecuted any liquor cases, that no man makes less than 4 or 5 gallons of home-brewed beer, and if there is any petty offense under the national prohibition act it is the making of home-brewed beer. Anyone making home-brew usually buys a quart of malt and that quart of malt makes between 4 and 5 gallons of home-brew. No man is going to take a week's time in making 1 gallon or 4 quart bottles of home-brew. You create no petty offense by making the limit 1 gallon for the manufacture of home-brew. Home-brewed beer is not made that way. You can apply the same thing to the making of wine. How many people have you known who will go to the trouble of making a gallon of wine? Wine for home consumption is usually made in 5 gallon quantities. Here is the fallacy of it. Under this bill, if passed the way it is, a man can set up a still and make a gallon of liquor and he will come within the definition of a petty offense, but the man who makes more than a gallon of home-brew under this bill must be indicted for a felony. That is the distinction and that is the difference.

Now, when you come to the sale of intoxicating liquor, that is a different matter, because it is commercializing an unlawful business. The sale of a gallon of whisky involves from $20 to $50. I doubt whether the dividing line should be a gallon in case of sale; it might be better to limit it to 1 quart. In other words, the sale of a small quantity might be held to be a petty offense. But it is very questionable whether the sale of a gallon of whisky should be made a petty offense.

This bill should be carefully considered. I will vote for it because it will relieve congestion in the Federal courts. It will permit the district attorney to proceed on information in certain cases instead of by indictment. However, the practical effect will be there will be no prosecutions as petty offenses for the manufacture of wine and for the manufacture of home-brewed beer.

Mr. MICHENER. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. MICHENER. The gentleman would put hard liquor at 1 gallon and home brew at 5 gallons or 10 gallons?

Mr. BACHMANN. No; I would not place the limit higher than 5 gallons for the manufacture of home-brewed beer and wine. The manufacture of whisky is a different matter.

Mr. MICHENER. In other words, the gentleman would just increase the amount of home brew to 5 gallons?

Mr. BACHMANN. That is all.

Mr. GRAHAM. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, I have asked for this time to publicly and officially request the chairman of the committee, who controls the time and the absolute legislative destiny of this bill, to yield to the gentleman from West Virginia [Mr. BACHMANN] to offer his amendment.

It seems to me, gentlemen, this is a reasonable request. It is hard for a Member of the House and a member of the committee to be placed in the humiliating position of begging a chairman for an opportunity to offer an amendment so that the membership of the House may have an opportunity to pass upon it.

The gentleman from West Virginia has the amendment ready. He has explained the purpose of the amendment. It is simply to provide that the making of 5 gallons or less of home-brew may be classed as a petty offense.

Now, gentlemen, this does not say that the making of 5 gallons of home-brew is lawful. It does not permit the making of 5 gallons of wine. It simply says that if any person makes 5 gallons of wine or 5 gallons of home-brew, he can not be sentenced to more than six months and $500 fine and not be liable to a sentence of five years in jail and a fine of $10,000 under the Jones Act.

Mr. O'CONNOR of Oklahoma. In other words, this amendment takes the mileage basis instead of the gallon basis.

Mr. LAGUARDIA. It takes the gallon basis.

Mr. O'CONNOR of Oklahoma. But the amendment would take the mileage basis.

Mr. LAGUARDIA. As the gentleman from West Virginia pointed out, one may still a gallon of hard liquor and be classed as a petty offender, but if he makes 2 gallons of home-brew you come in under the Jones Act and are indicted for a felony.

Now, Mr. Speaker, all I ask is the American privilege of putting this amendment before the representatives of the American people and giving them an opportunity to pass on it.

I ask the chairman to permit the gentleman from West Virginia to offer the amendment.

Mr. GRAHAM. Is the gentleman through with his pleading?

Mr. LAGUARDIA. I am.

Mr. GRAHAM. Very well. Then my answer is that this matter was fully and thoroughly considered in the committee and a motion in this direction was voted down, and as chairman I do not feel I have the right or privilege, in the name of the great American freedom for which the gentleman pleads, to let the gentleman offer the amendment in my time. [Applause.]

Mr. LAGUARDIA. This is not parliamentary procedure. This is worse than the Spanish Inquisition.

Mr. GRAHAM. Mr. Speaker, I yield to the gentleman from Ohio [Mr. MOORE] five minutes.

Mr. MOORE of Ohio. Mr. Speaker, I have asked for these few minutes to attempt to clear up some misunderstandings about this bill. Some one has said that the Attorney General opposes this bill. If you will turn to page 2 of the report on the bill H. R. 10341 you will see a copy of a letter from the Attorney General in which he approves this bill, as amended, along with some other bills. It is also approved, as amended, by the National Commission on Law Observance and Enforcement.

Something has been said with respect to the Jones law. I do not think the Judiciary Committee would have reported this bill with these specifications as to quantities of liquor in it, and I do not think it would have received support except as a part of the program containing a series of bills recommended by the National Commission on Law Observance and Enforcement, the Attorney General, and the President.

There is difference of opinion on some provisions of this bill. I am frank to say I am one of those who would prefer certain other quantities of liquor specified in the bill rather than the ones that are in the bill, but this is recommended in order that the quantity may be specific. This bill is a part of the scheme to relieve congestion in the courts and to provide a definition of petty offenses.

This bill does not amend the substantive part of the Jones law, but amends only the proviso therein. The bill that is to be considered next, and one that should be passed if this bill is adopted, is the bill giving commissioners jurisdiction in a specified and limited way in petty offenses as defined in the bill we passed within the last few minutes.

I think personally I would not vote to amend the Jones law at this time if I did not believe the commissioner plan would also be adopted, because the Attorney General's office tells us that the Jones law has worked well. These things that the gentleman from Massachusetts [Mr. STOBBS] predicted would happen under the Jones law in the general working of the law have never taken place. Enforcement officials tell us the Jones law has been a great help in the enforcement of prohibition.

We believe this series of bills recommended and approved by the National Commission on Law Observance and Enforcement, favorably recommended by the Attorney General, the enactment of which has been twice urged by the President, will, when enacted into law, aid in relieving congestion in our courts and in a proper enforcement of our laws. The President and Attorney General are honestly and earnestly trying to enforce our laws, and the Congress should assist in every proper and helpful way. [Applause.]

Mr. GRAHAM. Mr. Speaker, I move the previous question.

Mr. GREEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GREEN. I want to know by what rule of the House the chairman does not permit the offering of an amendment?

The SPEAKER. That is not a parliamentary inquiry.

The question is on the motion of the gentleman from Pennsylvania for the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. BACHMANN. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BACHMANN moves to recommit the bill to the Committee on the Judiciary, with instructions to that committee to report the same back forthwith with the following amendment:

Page 2, line 10, after the semicolon, insert "*Provided*, That in the unlawful making of wine and home-brew beer the amount shall not exceed 5 gallons."

Mr. GRAHAM. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 67 ayes and 195 noes.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. All those in favor of ordering the yeas and nays will rise. [After counting.] Twenty-nine Members have risen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote was laid on the table.

AMENDING THE NATIONAL PROHIBITION ACT

Mr. GRAHAM. Mr. Speaker, I call up the bill H. R. 9937 on the Union Calendar, a bill to provide for summary prosecution of slight or casual violations of the national prohibition act.

I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9937, and pending that I would like to see if we can not agree upon time for debate.

Mr. MONTAGUE. What time would the gentleman recommend?

Mr. GRAHAM. I would say one hour on a side.

Mr. LAGUARDIA. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Is it not true that where a bill is on the Union Calendar after the committee has called it up and the House resolves itself into the Committee of the Whole House on the state of the Union, then the proponent of the bill is recognized for one hour, and any Member opposed to the bill is recognized for one hour?

The SPEAKER. That is true of Calendar Wednesday, but not on any other day.

Mr. LAGUARDIA. Then, we are operating under all the disadvantages of Calendar Wednesday with none of the advantages?

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the time for general debate be fixed at one hour on a side, one hour to be controlled by myself and the other hour by some one on the other side.

Mr. LINTHICUM. Mr. Speaker, I should like to have control of the time on this side.

The SPEAKER. The Chair thinks it would be better to designate one particular gentleman to have control of the time.

Mr. GRAHAM. Mr. Speaker, I suggest the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I have had requests for more time than an hour. I should like not less than an hour and a half.

Mr. GRAHAM. Mr. Speaker, I agree to an hour and a half on a side.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate be limited to three hours, one hour and a half to be controlled by himself and one hour and a half to be controlled by the gentleman from Virginia [Mr. MONTAGUE]. Is there objection?

Mr. SCHAFER of Wisconsin. Mr. Speaker, I reserve the right to object, and before I withdraw my objection I would like to be informed whether the chairman of the committee is going to yield an hour and a half to Members of the House who want to debate the bill, or is going to refuse to use all of his time and then close debate and use the gag-rule tactics on this bill as he has on other bills considered to-day?

Mr. GRAHAM. Mr. Speaker, I do not think the gentleman ought to indulge in that language and apply it to me or to suggest that I have been using the gag rule in the conduct of matters this afternoon. It is not true, and the gentleman ought not to assert it.

Mr. SCHAFER of Wisconsin. Members of the gentleman's own committee which reported the bills expressed a desire to use some time that the gentleman had at his disposal for debate, and he did not yield to them.

Mr. GRAHAM. That was while the whole House was crying "Vote! Vote!"

Mr. MOORE of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Virginia. If the House should resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill and then adjourn, would the bill come up as unfinished business to-morrow?

The SPEAKER. The Chair thinks not. The resolution applies only to to-day. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LINTHICUM. Mr. Speaker, I object.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9937.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LAGUARDIA. Mr. Speaker, I demand a division.

The House again divided.

Mr. SNELL. Mr. Speaker, before the Chair announces the vote will he yield to me to submit a request for unanimous consent? I ask unanimous consent that this bill be in order on Thursday next.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

Mr. SNELL. Will the gentleman reserve the objection for a moment?

Mr. SCHAFER of Wisconsin. Yes.

Mr. SNELL. This is a part of the program that we propose to give to the House so that it may express its opinion on these matters. If it is necessary, we will have to bring in another rule to make it in order on Thursday. As a matter of fact, we are willing to give reasonable time to debate the bill. I ask unanimous consent that this be in order on Thursday, and if that request is granted it will not be necessary then to stay any longer to-night. If we are compelled to bring in a rule, we will fix the time for debate.

Mr. TILSON. Would the gentleman frame his request so that the rule adopted to-day may continue on Thursday next?

Mr. LAGUARDIA. But that rule is unsatisfactory.

Mr. STAFFORD. Mr. Speaker, I suggest that the gentleman embody in his request a provision that there shall be a certain amount of time in general debate.

Mr. SNELL. Mr. Speaker, I modify my request and make the time for general debate three hours, one-half to be controlled by the gentleman from Pennsylvania and one-half by the gentleman from Virginia.

The SPEAKER. The gentleman from New York now modifies his request and asks unanimous consent that the bill under consideration be in order on Thursday next, general debate to continue for three hours, one-half to be controlled by the gentleman from Pennsylvania and the other half by the gentleman from Virginia. Is there objection?

Mr. MONTAGUE. Mr. Speaker, I reserve the right to object. It will be impossible for me to be here on Thursday.

Mr. SNELL. That seems to be the only day vacant.

Mr. MONTAGUE. I was given assurance that there would be no business by this committee on Thursday and that assurance was given to me by some of the prominent leaders of the House. I do not think I ought to be embarrassed now.

Mr. SNELL. We will have to finish it up to-night if we can not get unanimous consent.

Mr. MONTAGUE. Why can we not shift Calendar Wednesday business from to-morrow until Thursday?

Mr. SNELL. I ask unanimous consent that the business in order on Calendar Wednesday may be in order on Thursday.

The SPEAKER. The gentleman from New York asks unanimous consent that the business in order on Calendar Wednesday may be in order on Thursday.

Mr. GOLDER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GOLDER. Reserving the right to object, what is the program as to the rest of the judiciary bills?

Mr. SNELL. If we get through in time on Thursday we will continue with the judges' bills.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. I ask unanimous consent, Mr. Speaker, that the Committee on the Judiciary may have to-morrow under the rule, the same as to-day, with the understanding that the bill H. R. 9937 will be considered the unfinished business.

The SPEAKER. That is understood. That is the bill now under consideration. And that the general debate shall be for three hours, one half to be controlled by the gentleman from Pennsylvania [Mr. GRAHAM] and the other half to be controlled by the gentleman from Virginia [Mr. MONTAGUE]. Is there objection?

Mr. SABATH. If this unanimous consent is granted and the bill taken up to-morrow, will we have opportunity to offer amendments?

Mr. SNELL. I understand you will have that opportunity.

Mr. SCHAFER of Wisconsin. I shall not object, because the request has been submitted by the assistant floor leader from New York [Mr. SNELL] and not by a Member of the House who has shut off debate on the bills we have considered to-day.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Without objection, the proceedings had in respect to the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to go into the Committee of the Whole House on the state of the Union will be vacated.

There was no objection.

PRIVATE CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday next bills on the Private Calendar unobjected to shall be in order, beginning where the last call left off.

The SPEAKER. The gentleman from Connecticut asks consent that on Friday bills on the Private Calendar unobjected to shall be in order, beginning where the last call left off.

Mr. TILSON. And be considered in the House as in Committee of the Whole.

The SPEAKER. And shall be considered in the House as in Committee of the Whole. Is there objection?

Mr. GRIFFIN. Mr. Speaker, reserving the right to object, I notice that day by day bills are added to the Private Calendar and the question arises: Shall the bills on the Private Calendar, objected to through inadvertence or misunderstanding, retain their place at the foot of the Private Calender as of the day when objection was made or shall they be deferred until all these new bills are considered? I do not think that it would be just to consider the new bills before those I refer to.

Mr. TILSON. As to any bills reported on the Private Calendar after the 1st of June I shall not feel obligated to ask consideration, but as to those placed on the calendar before the 1st of June I shall make every reasonable effort to give them a chance.

Mr. GARNER. Would you consider all those bills ahead of the others?

Mr. CHINDBLOM. Mr. Speaker, after we have finished the Private Calendar we shall have an opportunity to consider which of them shall be unobjected to?

Mr. TILSON. I propose to give all bills now on this calendar an opportunity to be called up, if possible.

Mr. GARNER. If conditions are favorable, will you take Saturday for the consideration of the Consent Calendar, beginning with the star?

Mr. TILSON. I have in mind to ask that next Monday be a special day for calling the Consent Calendar.

The SPEAKER. Is there objection?

Mr. SCHAFER of Wisconsin. Reserving the right to object, may I ask if it will be in order for a Member who has a bill on the calendar before the star to ask unanimous consent to consider that bill on Friday? I shall not object, but I do not want to leave the unanimous-consent request go without condition, unless it includes the agreement that no Member shall be allowed to call up a bill on the Private Calendar before the star.

Mr. LAGUARDIA. That is one day when a Member can exercise his privilege.

The SPEAKER. Is there objection?

There was no objection.

SPANISH WAR PENSION VETO

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a communication from the chairman of the legislative committee of the United Spanish War Veterans.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following communication from the chairman of the legislative committee of the United Spanish War Veterans:

SPANISH WAR PENSION BILL VETO

The President has returned the Spanish War pension bill, S. 476, without his approval. The terms of this bill were previously incorporated in a bill prepared by the Pensions Committee of the House and there introduced as a substitute for the House bill 2562, which was the original Spanish War bill. The substitute bill became House bill 10466 and its provisions were in turn substituted for and became the provisions of S. 476 and as such passed the House. The Senate thereafter concurred. The benefits which this bill confer are about one-fourth of those carried by the original bill sponsored by the United Spanish War Veterans. The terms of this substitute measure were not satisfactory, but it was accepted because of the statement that a bill with more favorable terms would not pass and receive approval and upon the further assurance that such bill would receive not only legislative but Executive sanction. The merits of the measure are best evidenced by the fact that after careful consideration it unanimously passed the House and Senate, not one negative vote being registered against it. It is now disapproved and rejected by the President, the veto being based upon three grounds.

The first reason assigned for disapproval is based upon the fact that it does not specifically exclude disability resulting from so-called "vicious habits." There is nothing new in this legislation. Pension bills enacted during both the Wilson and Coolidge administrations in behalf of Civil War veterans omitted entirely any reference to "vicious habits" just as does the bill now under consideration. The Bureau of

Pensions estimates the number of pensioners who would be added to the rolls by reason of the omission of the exception referred to would be less than 500.

The second objection stated by the President is that the bill lowers the minimum service period from 90 to 70 days, and this fact is referred to as a new and unprecedented policy. This statement is inaccurate. Bills granting service pension to the veterans of the War of 1812 and Mexican War required only 60 days' service; Indian wars only 30 days' service. We direct attention to the fact that this provision was placed in the substitute measure prepared by the House Pensions Committee. Many who served in the Spanish-American War for a period less than 90 days are now receiving pensions through special bills. The very evident and commendable purpose of the House Pensions Committee was to avoid discrimination by extending the benefits of this legislation to all those who had served less than 90 days, but at about half the rate which has heretofore been awarded those with 90 days or more of service. It is impossible to state with any assurance of accuracy the number who will receive this small pension under the terms of the bill.

The third reason assigned for the veto is based upon the demand that there shall now be a requirement of proof of poverty, if not of pauperism, before a veteran of the Spanish-American War may receive a pension. That would itself be a new basis for veterans' pensions. Never has any legislation in behalf of veterans contained any such requirement. Some years ago such a provision was inserted in legislation for Civil War and Spanish War widows, but after a short time, because of the difficulty and expense of administration, that clause was entirely eliminated. The question of a requirement of proof of "absolute need" was raised at the hearing before the House Pensions Committee. The late Colonel Church, Commissioner of Pensions, participated in that hearing and very emphatically stated to the committee that the administration of any such provision would be practically impossible. It is now declared that at least so far as Spanish War veterans are concerned it is essential that proof be presented that he is not only a patriot, but also a pauper before his application for pension will be received and considered. The proposed pauper clause could not in justice and fairness be applied merely to Spanish War veterans. If it is to be applied at all it will, of course, be applied to all veterans, and if that new and unprecedented policy is to be adopted it means that hereafter there is to be no compensation to any soldier for physical disabilities unless and until he proves to the satisfaction of the Pension Bureau that he qualifies as a pauper.

There is no foundation in fact for the statement that this bill establishes a new basis for pensions. The terms of the bill are simple, plain, and easily understood. It grants an increase of $5 per month to the veteran who is one-half disabled; an increase of $10 per month to the veteran who is three-fourths disabled, and an increase of $10 per month to the veteran who is totally disabled.

Those who served 70 days and less than 90 days are, under its terms, entitled to from $12 to $30 per month proportionate to the degree of disability.

Let no one be deceived by the statement carried in the newspapers that a new bill is to be prepared and introduced that will meet the approval of the President. The veto message definitely and imperatively demands that any such bill must contain a pauper clause. Spanish War veterans resent any suggestion that their patriotic services be besmirched by any requirement of proof of pauperism.

We respectfully but earnestly request all friends of Spanish War veterans to aid in passing S. 476 over the President's veto.

Respectfully yours,

EDWARD S. MATTHIAS,
Chairman National Legislative Committee,
United Spanish War Veterans.

MINORITY VIEWS ON THE COPYRIGHT BILL

Mr. CULLEN. Mr. Speaker, I ask unanimous consent that my colleague [Mr. SIROVICH] may be allowed until Wednesday of next week in which to file minority views on the bill H. R. 12549, the so-called copyright bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I am informed that there is some misunderstanding concerning the Private Calendar, whether consent was given for its consideration on next Friday.

The SPEAKER. The Chair put that question.

Mr. TILSON. Was there objection?

The SPEAKER. There was no objection. The Chair said he did not hear any.

HEROIC RICHARD KIRKLAND

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD concerning the heroic act of Pvt. Richard Kirkland at the Battle of Fredericksburg, on December 13, 1862, including a brief report taken from the Library of Southern Literature.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, on Friday, May 30, 1930, I had the honor of speaking on the Memorial Day occasion at Fredericksburg, Va., in the historic national cemetery, on the widely known Maryes Heights.

There I learned that an effort is being made by the Bowen-Franklin-Knox Post, No. 55, of the American Legion, at Fredericksburg, Va., to raise a fund of $25,000 by popular subscription, to erect a suitable monument to perpetuate the memory of Richard Kirkland for his heroic deed on December 13, 1862, during the battle of Fredericksburg. I am especially interested in this fact because Richard Kirkland was a South Carolinian in Kershaw's brigade, and the memory of that noble and sublimely humane deed is precious to all South Carolinians that love and cherish the highest quality of martial virtue.

The whole world knows of the terrible slaughter executed by Confederate rifles from behind the stone wall and located at the foot of Maryes Heights. More than 8,000 of Union troops charging across an open field and seeking to dislodge the Confederate line were killed and wounded during the seven brave charges made across the open spaces. The dead and wounded were strewn thick upon the land, and late in the day young Dick Kirkland, a mere lad in his early teens, heard some of the wounded enemy moaning and begging for water. From many directions in that field of death and blood there arose cries for "Water, water; for God's sake, water!" The heart of this noble youth was so moved by these piteous appeals that he applied to General Kershaw to be permitted to carry water into the field where bullets were flying thick and fast from every direction. Permission was finally granted to execute this seemingly foolhardy mission. The young southerner bounded over the stone wall with six canteens of water, and reached the nearest sufferer unharmed. He knelt beside the wounded man, then known by the world as an "enemy," and tenderly raised his drooping head and placed the canteen of fresh water to the feverish lips of the suffering soldier. Then from one to another of those suffering and crying for water he went until the supply was gone. Then he returned for another supply of water, and for an hour and a half did this noble young man rush back and forth with his canteens full of water to minister to the cries of humanity. Thus above war's hideous roar, above the passions of sections and parties, did the appeal for mercy and relief prevail in the heart of a brave soldier and a true man. Young Kirkland was soon promoted to be a lieutenant, and at the Battle of Chickamauga he poured out his own lifeblood as further evidence of his devotion to duty.

It is a truly noble conception of these former soldiers of the World War to perpetuate the gallant and courageous deed of your Kirkland of the War between the States. To preserve the memory of such a deed, to record that deed by impressive art in bronze or marble, to invite the attention of the present and succeeding generations to ponder how the world's gratitude and admiration rewards such heroic deeds, is worth while and is a milestone to mark the upward progress of mankind. If the common kinship of men can assert itself under such conditions of battle and override passion and prejudice and hatred and receive the commendation and admiration of the fighting forces on both sides and receive the enduring approval of men thereafter, there is hope that in the future the cries of humanity may be heard by anticipation, heard not by the material ear but by the intellectual ear, by the forecasting of the inevitable consequences of war, and that having heard these cries, men may pause long and ponder well their differences and grievances before they plunge nations into strife. Because when nations go to war, the cries from the wounded upon the field of carnage are but an infinitesimally small fraction of the sorrowful cries that go up from the civilian populations back of the fighting forces. If men would think of the hearts made desolate, of the hopes blighted, of the poverty and suffering, of the loneliness of little children longing for the coming of an unreturning father, if they could but realize the sore burdens that must be borne by the taxpayers scores of years to come, then surely no hasty word would be spoken, no ill-considered diplomatic note sent, no ambition and pride would rule, whereby the Nation might be plunged into war.

With the permission of the House, I am appending a poem by Walter A. Clark, entitled "The Angel of Maryes Heights," narrating the heroism of Richard Kirkland.

THE ANGEL OF MARYES HEIGHTS

By Walter A. Clark

(In this poem the author narrates an act of heroism performed by Richard Kirkland, of Kershaw's brigade, at Fredericksburg, Va., Decem-

ber 13, 1862. Mr. Clark was born at Brothersville (now Hephzibah), Ga., in 1842, and is the author, among other publications, of Lost Arcadia, or the Story of Old Time Brothersville. He was a Confederate soldier and belonged to the famous Ogelthrope infantry.)

A sunken road and a wall of stone
And Cobb's grim line of gray
Lay still at the base of Maryes Hill
On the morn of a winter's day.

And crowning the frowning crest above
Sleep Alexandria's guns,
While gleaming fair in the sunlit air
The Rappahannock runs.

On the plain below, the blue lines glow,
And the bugle rings out clear,
As with bated breath they march to death
And a soldier's honored bier.

For the slumbering guns awake to life
And the screaming shell and ball
From the front and flanks crashed through the ranks
And leave them where they fall.

And the gray stone wall is ringed with fire
And the pitiless leaden hail
Drives back the foe to the plains below,
Shattered and crippled and frail.

Again and again a new line forms
And the gallant charge is made,
And again and again they fall like grain
In the sweep of the reaper's blade.

And then from out of the battle smoke,
There falls on the lead swept air,
From the whitening lips that are ready to die
For piteous moan and the plaintive cry
For "Water" everywhere.

And into the presence of Kershaw brave,
There comes a fair-faced lad,
With quivering lips, as his cap he tips,
"I can't stand this," he said.

"Stand what?" the general sternly said,
As he looked on the field of slaughter;
"To see those poor chaps dying out there,
With no one to help them, no one to care,
And crying for 'Water! Water!'

"If you'll let me go, I'll give them some."
"Why, boy, you're simply mad;
They'll kill you as soon as you scale the wall
In this terrible storm of shell and ball,"
The general kindly said.

"Please let me go," the lad replied,
"May the Lord protect you, then."
And over the wall in the hissing air,
He carried comfort to grim despair,
And balm to the stricken men.

And as he straightened the mangled limbs
On their earthen bed of pain,
The whitening lips all eagerly quaffed
From the canteen's mouth the cooling draught
And blessed him again and again.

Like Daniel of old in the lion's den,
He walked through the murderous air,
With never a breath of the leaden storm
To touch or to tear his grey-clad form,
For the hand of God was there.

And I am sure in the Book of Gold,
Where the blessed Angel writes,
The names that are blest of God and men,
He wrote that day his shining pen,
Then smiled and lovingly wrote again,
"The Angel of Maryes Heights."

(NOTE.—Above poem taken from "Library of Southern Literature," Vol. XIV.)

EXTENSION OF REMARKS

Mr. McLEOD. Mr. Speaker, I ask unanimous consent that all Members have five legislative days within which to extend their remarks on the bill, S. 2370.

The SPEAKER. The gentleman from Michigan [Mr. McLEOD] asks unanimous consent that all Members have five legislative days within which to revise and extend their remarks on the bill, S. 2370. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BLOOM, for to-day, on account of illness in his family.

FARM LEGISLATION

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the farm bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, agriculture has been so depressed during the past eight years and is now in such very great need of assistance that there is no bill promising the slightest relief that would not command my support. I want to be of constructive assistance. Whatever suggestions I have to make with reference to the merits or demerits of this measure will not be made in a partisan sense. I do not care who gets the credit if I can be of real service to the farmers of the country, who are on the verge of bankruptcy. It is with this spirit that I approach the consideration of this measure and an analysis of the pending bill.

Much has been said in the debate and in the press about the "mandate of the people" during the 1928 election. Everyone, of course, knows that the religious question, prohibition, and immigration were the controlling issues and that the farm question was entirely lost sight of. If anyone seriously disputes this let me point to the rifts in the solid South. Would anyone have the temerity to assert that the farm question had any controlling influence in any one of them? Why not be honest and frank about it? Everyone knows that there was no mandate from the people upon this question. The crying need for agricultural legislation has existed for eight years.

Let us see what the bill seeks to accomplish.

The policy of Congress is declared in section 1 to promote the effective merchandising of agricultural commodities in interstate and foreign commerce, so that the industry of agriculture will be placed on a basis of economic equality with other industries, and to that end to protect, control, and stabilize the marketing of agricultural products, both in interstate and foreign commerce, to minimize speculation, to prevent inefficient and wasteful methods of distribution, and limit undue and excessive price fluctuations through encouraging the organization of producers into cooperative associations and the financing of farm marketing systems through cooperative associations and other agencies.

The remaining 10 sections attempt to outline how this is to be accomplished.

BOARD OF SIX MEMBERS TO ADMINISTER ACT (SEC. 2)

Section 2 creates a board of six members, to be nominated by the President and confirmed by the Senate, of which the Secretary of Agriculture is to be ex officio a member. All of the members of this board, except the chairman, are appointed for a definite length of time, with a salary of $12,000 per annum. The chairman is to serve at the pleasure of the President and is to receive such compensation as shall be fixed by the President.

Both the term of office and salary of the chairman should be fixed by legislation. Obviously the purpose of the indefinite term is to intimidate the chairman and make him less independent and more subservient. The constant threat of removal is hanging over him. The principal office of the board is to be located in the Department of Agriculture. This subordinates it into a bureau. I would prefer to add prestige and dignity to this board by not making it a bureau of the Department of Agriculture. The board needs to cooperate actively with the Department of Commerce and the Department of State as well as with the Department of Agriculture.

The board is to have an official seal, make annual reports to Congress, including recommendations for legislation, and promulgate rules and regulations to carry into effect the provisions of the act, appoint and fix the salary of a secretary and of experts, and all other clerical assistance is to be subject to the provisions of the civil service law.

COOPERATIVE ASSOCIATIONS MAY ESTABLISH ADVISORY COMMODITY COMMITTEES OF SEVEN MEMBERS

Section 3 authorizes the board to designate an agricultural commodity or two or more related agricultural commodities which may be jointly treated under the provisions of the act, and (2) invites cooperative associations to establish an advisory commodity committee for each commodity consisting of seven members, who shall serve without pay, except that each shall receive a per diem compensation of $20 while in attendance upon committee meetings authorized by the board and for such other time devoted to other business of the committee.

BOARD TO PROMOTE EDUCATION, ENCOURAGE ORGANIZATION, AND COLLECT AND DISSEMINATE INFORMATION

Subdivisions 1, 2, 3, 4, and 5 of section 4 authorize the board to promote education in the principles and practices of cooperative marketing of agricultural commodities; to encourage the organization, improvement in methods, and development of cooperative associations; to keep advised and make reports as to prices at home and abroad; to investigate conditions of

overproduction of agricultural commodities and advise as to the prevention of such overproduction; and make investigations and reports upon land utilized for agricultural purposes, the advisability of the reduction of acreage, the economic need for reclamation and irrigation projects, methods of expanding markets at home and abroad, and methods of developing by-products of and new uses of agricultural commodities, and transportation conditions and their effect upon the marketing of agricultural commodities.

REVOLVING FUND OF $500,000,000 AUTHORIZED

Section 5 authorizes the appropriation of $500,000,000, which amount shall constitute a revolving fund to be administered by the board, and the board is authorized to make loans and advances from this revolving fund as provided in the act upon interest rates that are to be fixed by the board. The appropriation should not only be authorized but made in this bill. This can be done by striking out the three words "authorized to be" in section 5.

The maximum rate of interest which may be fixed by the board should be provided for in this law, so that the rate may not arbitrarily be raised by the board as rediscount rates are by the Federal Reserve Board.

LOANS AUTHORIZED TO COOPERATIVE ASSOCIATIONS FOR VARIOUS PURPOSES

Subdivision (b) of section 5 provides that, upon the application of any cooperative association, the board is authorized to make loans from the revolving fund to assist, first, in "the effective merchandising of agricultural commodities and food products thereof."

I think it would be better if this provision were more definitely defined so that the cooperative associations would know through this legislation how the board would expect cooperative associations to use this money.

Second. The board may loan to cooperative associations for the construction or acquisition or lease of storage or other marketing facilities.

Third. The formation of clearing-house associations.

Fourth. For extending the membership of cooperative associations by educating the producers to the advantages of cooperative marketing.

No loan to acquire marketing facilities, however, is to be made in an amount in excess of 80 per cent of the value of the facilities to be constructed or purchased, and the loans are to be repaid upon an amortization plan over a period not in excess of 20 years and are to be upon such security as the board deems necessary.

Subdivision (c) of section 5 authorizes the board to assist in forming clearing-house associations to effect the economic distribution of agricultural commodities and to minimize waste and loss. Members of the clearing-house association are to be either cooperative associations or independent dealers or distributors and processors of the commodities recommended by the committee of producers and approved by the board. It is understood that this provision is largely in the interest of perishable commodities.

Subdivision (d) authorizes the board, upon application of cooperative associations and of the advisory commodity committee for the commodity, to make advances from the revolving fund for the insurance of the cooperative associations against loss through price decline in the agricultural commodity handled by the associations and produced by the members thereof. Such agreements provide for premiums to be repaid from the proceeds of insurance premiums.

Subdivision (e) is a caution, if I should not use the stronger term of "warning," to the board not to make an agreement which is likely to increase substantially the production of any agricultural commodity of which there is commonly produced a surplus in excess of the annual domestic requirements.

Each year there is produced a surplus in excess of the annual domestic requirements of cotton, wheat, and corn, and if, through better marketing facilities, the price of either is advanced, it would necessarily follow that it would induce an increased production. This provision may be the subject of abuse by the board and should be eliminated.

Unfortunately the insurance provision is not entirely clear. From a careful reading subdivision (d) of section 5 only authorizes agreements for the insurance of cooperatives against loss in the decline of products purchased from producers who are members of cooperative associations and not from nonmembers.

Neither is it clear whether subdivision (b) of section 5 authorizes loans to be made to cooperative associations for the merchandising of agricultural commodities not produced by members of cooperative associations. However, members of the committee who have spoken on the bill state that it is the intention to confine the activities of cooperative associations to the commodities produced by their own members.

In my judgment there is need for clarification of the provisions of section 5 of the bill which, after making provision for the revolving fund of $500,000,000, provides for loans to cooperative associations, and paragraph (1) of subdivision (b) of section 5 authorizes loans to be made from the revolving fund to assist in "the effective merchandising of agricultural commodities and food products thereof."

I do not find any other provision in section 5 authorizing cooperatives to advance part of the purchase price while the association is withholding for orderly marketing the commodity of any of its members, unless this provision would authorize it. It should not be in doubt. It should be made clear and specific and unless a cooperative association has sufficient funds to make advances to its members during the period the commodity is withheld from the market, the financially depressed farmers will not be able to become members of cooperative associations and to take advantage of the assistance which the association offers.

In my State of Oklahoma out of 197,000 farmers, 115,000 are tenant farmers. Practically all of the owners of the farms, as well as the tenant farmers, are in need of financial assistance during the year. Some are able to secure loans from banks. Others are extended credit by merchants, but both banks and merchants, of course, demand payment when the crops are harvested and marketed. If cooperatives were authorized to be advanced a sufficient amount of money out of which they could make advances to their members it would enable them to retain and perhaps increase their membership and in that way be of practical benefit to them. Members of the committee, in the discussion of this bill, assure us that this provision will permit such advances. This is too important to leave to the construction of the board, and authority to make such advances should be in clear and specific language. Many farmers then would be encouraged to join cooperatives who otherwise may not be able to do so because of financial reasons.

I think the insurance feature is valuable to cooperative associations. It should be extended to stabilization corporations, and I see no reason why this could not be done with safety.

My difficulty with section 5, which deals with cooperative associations and loans made to them from the revolving fund, is: What financial advantage is to be gained from a producer joining a cooperative association? Members of the committee advise that less than 6 per cent of cotton producers belong to cooperative associations and that the average per cent of all producers belonging to all cooperatives is roughly about 20 per cent.

The association incurs certain financial risks for repayment of the loans made to it by the Government (1) for merchandising its agricultural commodities, (2) for securing by purchase or lease of marketing facilities, (3) for expense in the formation of clearing-house associations, (4) for extending its membership, (5) for expenses of management, and (6) for insurance premiums.

The ready answer and the hope and expectation is that it will enable him to secure more for his commodity. Let us examine this more carefully.

You can not raise the price of the agricultural commodity owned by the member without at the same time raising the price of the same commodity produced, owned, and held by nonmembers, who incur no financial risk.

The trouble in the past has been in inducing producers to join cooperative associations. It is true that the cooperative associations federate into stabilization corporations, and the members will participate in any profits that are made; but it is not expected that these corporations will be organized for profit but for the stabilization of agricultural commodities where it is anticipated that the price will be depressed through an anticipated surplus.

STABILIZATION CORPORATIONS

Section 6 authorizes the board, upon application of the advisory commodity committee, to recognize as a stabilization corporation for any commodity any corporations, under certain conditions, and, subdivision (b), to act as a marketing agency for stockholders or members, and the board is authorized to make advances to the stabilization corporation for working capital to enable it to purchase, store, merchandise, or otherwise dispose of the commodity.

This is the most important provision in the bill and should be closely studied and the language carefully analyzed.

The first part of the paragraph provides that the stabilization corporation may "act as a marketing agency for its stockholders or members," and the following part of the paragraph provides that upon the request of the advisory commodity committee "the board is authorized to make advances to the stabilization corporation for working capital to enable it to purchase, store, merchandise, or otherwise dispose of the commodity."

Members of the Committee on Agriculture, in discussing this provision on the floor in general debate, interpret this language to authorize the stabilization corporation to purchase, store, merchandise, or otherwise dispose of the commodity, to apply to agricultural products produced both by members and by those who are not members of the corporation.

I think this language should be clarified. The success of this bill will measurably depend upon the interpretation placed upon this provision. If the operations of the stabilization corporation are confined to the agricultural commodities of its members, the bargaining power of the stabilization corporation will be limited to a small part of the commodities produced. If, however, the stabilization corporation is authorized by this provision to go into the open market and to purchase, store, and orderly market the surplus of any commodity produced, it will measurably influence the price of agricultural products to the extent that the authority is exercised by the board. The Senate bill makes it entirely clear that the stabilization corporation is authorized to purchase products owned by nonmembers.

Let me repeat that the success of this bill will depend upon the authority which the board exercises under section 6, and particularly under subdivision (b) thereof.

The revolving fund is limited to $500,000,000, and that amount is to be used by the board for all of the purposes of the bill, including advances to be made to the stabilization corporations, of which there may be one for each commodity, or one stabilization corporation may act for two or more related commodities.

A stabilization corporation is a federation of cooperatives, and the cooperatives are composed of the producers of any commodity voluntarily associating themselves together for their mutual benefit. "Cooperative associations" as defined in the act are those organized under the act of Congress approved February 18, 1922, but subdivision (b) of section 8 authorizes the board to extend the privileges, assistance, and authority to other associations and corporations producer-owned and producer-controlled when it finds that cooperative associations are not so extensively organized as to make them representative of the commodity.

THE DIFFERENCE BETWEEN THE 1928 AND THE 1929 FARM BILLS

If all of the producers of any commodity were members of cooperative associations and all of these associations were federated and incorporated into and recognized as a stabilization corporation, so that this stabilization corporation would have the bargaining power of all of any particular commodity, then the success of this measure would be assured. The importance of inducing producers to join cooperatives is emphasized by the provisions of the bill, the report of the Agricultural Committee, and by every speech made in support of it upon the floor of the House. The difficulties in inducing producers to join cooperatives were overcome by the McNary-Haugen bill, which passed during the last session of Congress and which was vetoed by the President. That measure in effect made every producer of a commodity, provided that an operating period as to that commodity was declared, a member in a legislative sense of a cooperative association, and it gave the bargaining power of the entire commodity to the board. That, in effect, is the difference between the bill known as the McNary-Haugen bill passed during the last session and the bill now under consideration.

The bill now under consideration limits the activity of cooperative associations to the commodity produced by its own members, and the membership in some commodity groups is so limited that if all of that particular commodity that the limited membership owns were withheld and stored and orderly fed to the market it would not be sufficient to measurably affect the price of that particular commodity.

The former McNary-Haugen bill placed the bargaining power for the entire commodity in the hands of the board, which made it certain that with an intelligent, sympathetic administration of the bill that the producers of any commodity would be able, by having the surplus purchased, withheld, stored, and orderly marketed, to secure the cost of production plus a reasonable profit. It would have eliminated the waste in marketing and many middlemen who get too large a share of the price which the commodity ultimately brings which should go to the original producers themselves.

The bill now under consideration is advantageous to the extent of the authority given. I would like to see subdivision (b) of section 6 made clear, and I hope it will be so that the authority of the stabilization corporation to go into the open market and to purchase, store, and merchandise the commodity produced by nonmembers is made definite and certain.

SYMPATHETIC ADMINISTRATION VITAL TO SUCCESS OF MEASURE

I am going to support this or any other bill which takes the first step to assist the depressed farmer. This bill creates a board to study the entire subject, and in my judgment this board, if sympathetic, will make recommendations to the next session of Congress for such additional legislation as will strengthen instead of weaken the board's power. That is the history of every board that has ever been created.

The bill, in an educational way, will be advantageous in that it authorizes the board by way of advising and encouraging the farmers to do in a large measure what the Department of Agriculture, through its various bureaus, is now authorized to do. The advisory commodity committee is a contact or a liaison committee between the board, cooperative associations, and the producers, and advice as to many farming details will be accepted and followed and many mistakes corrected. I think the bill will arouse more interest in farming and result in the farmers themselves more seriously and actively studying their own problems, cause them to apply better business methods, study the soils better adapted to certain agricultural products, the necessity for diversification, and the application of better business methods. If it will assist in eliminating the waste between the producer and consumer it will greatly benefit the farmers.

If the farmers could get what the ultimate consumers pay, they would be assured of a fair price for their products. The producer receives about 30 per cent of what the ultimate consumer pays. The financial difficulties of the farmer makes it necessary for him to raise cash crops and forces him to sell his products on a depressed market. The purchase through stabilization corporations of surplus commodities and storage and orderly marketing free from waste and excessive commissions of middlemen must result in securing for the farmer a better price for his products and contribute to his prosperity. We must always keep in mind the economic truth that all nonperishable staple products if properly and orderly marketed, whether they be farm or manufactured products, are worth the cost of production plus a reasonable profit.

If Congress appropriates $500,000,000, the entire amount authorized, and places it at the disposal of a sympathetic board and the board recognizes or creates stabilization corporations, extending adequate loans, farm products when prices are depressed may be purchased and withheld from the market, and in that way prices will be measurably stimulated and stabilized.

OTHER REMEDIES SUGGESTED

(a) Readjustment of freight rates

It has been urged that no one remedy is sufficient and that other legislative assistance should and will be extended to farmers in addition to that included in this bill. Other relief suggested includes a readjustment of freight rates. With this I am in hearty agreement, but unfortunately there is no suggestion of immediate legislation that would be helpful to the farmers in this respect. The only suggestion is the improvement through legislation of inland waterways. I favor this, but everyone knows that if the farmer has to wait for competitive water rates to secure lower freight rates on agricultural commodities he will have to wait from 10 to 20 years for this relief.

The present Congress should take up the question and through legislation provide for a readjustment of freight rates, anticipating the reduction which competitive water rates will ultimately bring. If it is conceded that water transportation will reduce freight rates in the future, why should not the rates be reduced by legislation now?

The improvement of inland waterways is of very great importance to the people of Oklahoma and, in fact, the great Middle West. We should continue to press the improvement of these inland waterways for the reduction of freight rates, flood control, the reclamation of flood areas, for irrigation, and cheap power that may be produced, which will induce the location of factories for the consumption of raw materials.

(b) Tariff readjustment discussed—Ineffective on commodities where we raise exportable surplus

Much has also been said about tariff readjustment. This glittering generality has been used in every speech, message, report, and newspaper article published within the past year. Unfortunately just how a tariff readjustment is going to materially benefit those farmers who produce commodities of which we regularly raise an exportable surplus—cotton, wheat, and corn—is never discussed.

As to cotton, we export regularly between 60 and 70 per cent of the amount we produce, and in 1927 we exported 9,478,000 bales. In 1928 we exported 8,546,419 bales.

In speaking of the tariff readjustment as being beneficial to the farmer, I have never yet heard anyone discuss this with reference to cotton. A tariff, of course, is a duty or tax on the commodity imported into this country. Of course, we import very little cotton, and that is of a peculiar staple. We are

in need of a market for cotton, both foreign and domestic, and everyone knows that an import duty or tax upon cotton could not be of any possible benefit to the cotton producers of the country.

We have a duty of 42 cents a bushel now on wheat and a duty of 15 cents a bushel on corn. In my judgment the raising of the duty on any agricultural commodity, where we regularly raise an exportable surplus, and where we are trying to find a foreign market, would not be of any appreciable benefit to the farmer.

It is urged that through tariff readjustments we add to the prosperity of the manufacturers of the East and that we raise the wages of labor, and that through this the farmers are incidentally benefited in that more of the farmers' products are consumed.

Let us look upon the other side of the picture. Would not legislation to assist the farmers of the country to withhold, store, and orderly market their products, which would result in their receiving more for the things they raise, make them more prosperous, and enable them to purchase and consume more of the goods manufactured by the industrialists? However, if you raise the tariff for the benefit of the manufacturers, and no relief is given to the farmer, you increase his burden to the extent that you enable the manufacturer to raise the price of the necessities which the farmer must buy and you thereby lower the exchange value of his farm products. Let me illustrate. It will take twice as much cotton, wheat, or corn to purchase a commodity—shoes for example, valued at $10—than if it were valued at $5, and this is measurably true of all manufactured products. When, through legislation, we enable the manufacturer to raise the price of his commodity the consuming public, including the farmer, professional, laboring, and small business man, must pay the increased price. But it is urged that the price is not increased. The complete answer to that is, Why does the manufacturer want the increase in the tariff if he does not want to shut out competition which enables him to raise the price of his commodity to the consumer?

You can not aid the farmers of the Middle West through a tariff that raises the price of every necessity they must purchase without the compensating benefit of increasing the prices the farmers receive for their products. The tariff is a tax, and you can not make people prosperous by taxing them more. If anyone contends differently, make him go into detail.

(c) *The debenture plan*

The so-called debenture plan has been urged, which, in substance, would authorize the issuance of certificates in the amount of 50 per cent of the tariff on any agricultural commodity, and these certificates would be accepted by the Government in payment of customs duties on foreign imports, and in the case of cotton, upon which there is no duty, it is proposed to be fixed at 2 cents per pound, or $10 per bale.

The debenture plan returns to the farmer a small part of that which through tariff legislation is taken from him for the benefit of the manufacturer. I will not further discuss this plan at present for the reason that it is not admissible to be offered to the pending bill but is subject to a point of order.

DEPLORABLE CONDITION OF FARMING INDUSTRY MAKES LEGISLATION IMPERATIVE

The farmers of the West and South are in such a deplorable condition that they must have some relief. Statistics show 2,000,000 fewer people on the farm than resided there 30 years ago. Their mortgage indebtedness is greater than ever before. Mortgage foreclosures are on the increase. Taxes are unpaid and their lands are being sold. More bankruptcies are reported in farming communities. More business failures are found in those sections supported by farming. Two-thirds of the bank failures for the past 10 years were in farming States. Land has greatly depreciated in value, until at present there is little demand for it.

In addition the farmers are affected by all kinds of weather conditions and pests, such as the boll weevil, the pink bollworm, chinch bug, corn borer, and in fact every kind and character imaginable.

Those who live in the industrial sections of our country do not know and therefore can not appreciate the plight of the farmer.

With his back to the wall, he is fighting as best he can to rear his family and save his home.

During the period of depression the assessment of farm lands for taxation should be reduced so as to enable the owners of farms to save their homes. However, this is a local question for the State legislatures and not under the jurisdiction of Congress.

LEGISLATION FOR OTHER CLASSES ENACTED

We have extended legislative assistance to all other classes: (a) Advances to railroads, (b) special tariff legislative assistance to manufacturers, (c) the expenditure of $2,150,000,000 to shipping interests in aid of the merchant marine, (d) legislation restricting immigration for the benefit of labor, and (e) protection against panics to banks through the Federal reserve act. And against my vote we have remitted $10,705,618,006.09 to foreign governments in the settlement of their indebtedness.

Farming is our chief basic industry. About one-third of our entire population lives on the farm. There the food and raw materials are produced. Everyone, whether he lives on the farm or in the city or town, is affected and vitally interested in the success of the farmer. The purchasing power of the farmer's dollar depends on the price he receives for his crops.

Surely we should not hesitate to enact legislation and provide a sufficient revolving fund to place the farmer on an equality with other classes of citizens of our country.

SOME CONSTRUCTIVE CRITICISMS CORRECTED BY SENATE AMENDMENTS

Mr. Speaker, some of the constructive criticisms which I made with reference to the farm bill on April 20, 1929, when it was being considered in the House, were remedied by amendments in the Senate.

First. I criticized the provision which permitted the chairman to serve at the pleasure of the President and at a salary to be fixed by him.

Second. I urged that the Farm Board be an independent board and not a subordinate bureau in the Department of Agriculture.

Third. I insisted that the rate of interest to be charged by the board on advances from the revolving fund be definitely fixed instead of leaving it to the discretion of the board.

Fourth. I suggested clarification of section 5 so as to make it clear that cooperatives may advance funds to its members while their products were being marketed.

The Senate met these four criticisms and corrected them by amendment:

(a) The term and salary of the chairman of the board were fixed.

(b) The board was made an independent one and not a bureau of the Department of Agriculture.

(c) The rate of interest to be charged was fixed at within one-eighth per cent of the current rate of the last Government issue.

(d) Section 5 was amended to authorize advances made to members of cooperatives pending the sale of their farm products.

I also urged that the insurance provision made applicable to cooperatives be extended to stabilization corporations and a number of other perfecting amendments to the bill.

ONLY $250,000,000 OF THE $500,000,000 REVOLVING FUND APPROPRIATED

I insisted that the appropriation of $500,000,000, instead of merely being authorized, should be appropriated, in order to make the entire amount available at once.

After the passage of the farm bill, only $150,000,000 was actually appropriated during the extra session and made available for use by the farm board. Later, and during the present regular session, $100,000,000 more was appropriated, making a total of only $250,000,000. Many farmers are not aware that only $250,000,000 of the $500,000,000 revolving fund authorized has been appropriated.

Newspapers and public speakers always refer to the revolving fund of $500,000,000 as if that amount had been actually appropriated and made available for use by the board.

In 1929 we produced 14,919,000 bales of cotton and exported a surplus of 7,580,383 bales of the value of $770,830,254; we produced 806,508,000 bushels of wheat and exported 90,129,600 bushels, of the value of $111,500,615, and in addition exported wheat products of the value of $84,067,128, or a total value of wheat and wheat products exported of $195,567,743; and we produced 2,622,189,000 bushels of corn, of which we exported 33,745,270 bushels of the value of $34,058,516, and corn products of the value of $2,160,570, or a total value of corn and corn products exported of $36,219,080. The total value of these major crops exported in 1929 aggregates the sum of $1,002,617,077.

When we consider the value of the surplus of each of these three major crops exported and keep in mind the loans and commitments extended to these and other commodities, as follows: Cotton, $50,500,000; wheat and other grains, $48,500,000; fruit and canned goods, $11,250,000; livestock, $8,600,000; wool, $5,400,000; the dairy industry, $7,000,000; and advancements to miscellaneous groups, such as for beans, honey, potatoes, rice, tobacco, and feeds, all totaling $135,000,000, we insist that in order that larger commitments be extended to farm organizations to withhold and store for orderly marketing the exportable surplus of each, that Congress should appropriate and make available the entire amount of the revolving fund of $500,000,000. When it is remembered that all loans and commitments from the revolving fund to farm organizations are to be repaid with interest, the farmers of the Nation may justly com-

plain that the Farm Board should request of Congress the appropriation of the entire amount of the revolving fund authorized and that it should more sympathetically exercise the broad powers granted by the farm loan act, with the result that the distressingly lower prices of farm products may be enhanced to yield them the cost of production plus a reasonable profit.

When the farm bill was under consideration I took occasion then to say that the success of the measure depended upon the sympathetic administration of the act by the Farm Board. I supported other farm measures, which we could not get enacted into law, and voted for the present farm bill to give its administration a trial and because it was the best we could get.

In proportion to the value of the exportable surplus of each commodity, cotton is entitled to a much larger commitment. Loans extended to cotton are safer, the commodity more easily checked, the crop can always be fairly accurately ascertained in advance, and therefore there is little hazard to the Government in extending financial assistance to that commodity.

Two remedies have been proposed to assist agriculture. The first was the creation of the Farm Board with broad powers, and the second, the tariff.

The tariff places an additional burden upon the farmer by raising the price of every necessity he purchases, with no compensating benefits.

You can not make the farmers more prosperous by adding to their tax burdens by making them pay more for their clothes, hats, shoes, sugar, wagons, farming implements, and, in fact, practically everything they must of necessity buy.

So far, after a year's trial of the Farm Board, the prices of farm products have not received the stimulus the producers had a right to expect.

However, many are suspending judgment and withholding criticism awaiting a fair trial by the board of the broad powers granted in the farm bill.

FARM POPULATION DECREASING

The census recently taken and now being tabulated shows farms being abandoned, mortgages being foreclosed, lands sold for taxes, and most rural communities decreasing in population and the larger cities becoming more populous. You ask why this movement from the country to the cities? Of course, there is but one answer. The people living on the farms, having suffered from such intolerable financial conditions for the past 10 years, are seeking relief.

Congress, under these circumstances, should not hesitate to enact and the Farm Board to sympathetically administer the broad powers granted by the farm bill to restore happiness, prosperity, and contentment to the rural population of our country.

There is one remedy the State and local authorities should and can apply now, and that is to lower the assessment on farm lands, which would lighten the tax burden during this period of farm depression and until conditions improve on the farm. The farmers are few and exceptional whose incomes meet taxes, upkeep, and a reasonable interest on their investments. In addition to this, they are entitled to a reasonable profit for the support of their families.

AMERICAN WAR MOTHERS HONOR PAUL W. CHAPMAN

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein letter of Mrs. McClure, national president of War Mothers honoring Mr. Chapman, of the United States Lines.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BLACKBURN. Mr. Speaker, Friday was America's annual Memorial Day, when the Nation paused to pay tribute to its sons who have fallen on the field of battle, and I think it is particularly appropriate that I should at this time call attention to an incident in connection with the pilgrimage which is now being made by the gold-star mothers to the graves of their loved ones in France under provision made by an act of Congress at its last session.

The national president of the American War Mothers, Mrs. Anne D. McClure, is a resident of the district I represent, living in my home city of Lexington, Ky. This organization has spent years of devoted labor to secure this pilgrimage for the mothers of America's heroes, and Mrs. McClure has carried a large share of the responsibility for its success.

The American War Mothers and the gold-star mothers, in arranging for this pilgrimage to Europe, have had at all times the sympathetic assistance and helpful cooperation of Mr. Paul W. Chapman, president of the United States Steamship Lines which has assisted in perfecting the arrangements for transporting the mothers to Europe.

In appreciation of Mr. Chapman's services, and in recognition of his contribution to the comfort and safety of the mothers making the long journey across the ocean to the last resting place of their sons and husbands, the American War Mothers, through Mrs. McClure, its national president, and the gold-star mothers, through Mrs. Ethel S. Nock, its chairman, have recently bestowed upon Mr. Chapman a beautiful medal.

The citation which accompanied the medal is one of the finest tributes which could be paid to any man. It reads as follows:

The American War Mothers deem it a privilege to express to Paul W. Chapman, president of the United States Lines, with this presentation, their very great appreciation of his personal interest in the gold-star mothers' pilgrimage.

It is true that the United States Government has done more for these women than any other nation has ever done for those bereft by war, and it is also true that no other individual could have manifested a finer spirit and a more sympathetic understanding of the soul of motherhood than has Mr. Chapman.

This beautiful medal, so significant in every detail of the whole story, is a gift supreme and a token that will be treasured with other priceless mementos.

Mr. Chapman's unselfish service and kindly ministry will always be an inspiration to American war mothers as will be also his heartfelt benediction at parting.

Ever gratefully yours,

ANNE D. MCCLURE,
National President American War Mothers.
ETHEL S. NOCK,
Chairman Gold Star Mothers.

The heart of America goes out to these mothers who on Friday last knelt beside the graves of their loved ones in France. Their safe and comfortable trip has been largely due to the efforts of Mr. Chapman, and on behalf of many Members of the Congress which made this visit of the war mothers possible, I wish to extend to him my sincere appreciation for his part in carrying out the wishes of the Congress and the American people.

ENROLLED BILLS SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 970. An act to amend section 6 of the act of May 28, 1896;

H. R. 1186. An act to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 3144. An act to amend section 601 of subchapter 3 of the Code of Laws for the District of Columbia;

H. R. 5662. An act providing for depositing certain moneys into the reclamation fund;

H. R. 9123. An act for the relief of Francis Linker;

H. R. 9557. An act to create a body corporate by the name of the "Textile Foundation";

H. R. 9996. An act to amend the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929;

H. R. 10037. An act to amend the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes," approved May 16, 1928;

H. R. 10117. An act authorizing the payment of grazing fees to E. P. McManigal;

H. R. 10480. An act to authorize the settlement of the indebtedness of the German Reich to the United States on account of the awards of the Mixed Claims Commission, United States and Germany, and the costs of the United States army of occupation;

H. R. 11228. An act granting the consent of Congress to the State of Illinois to construct a bridge across the Rock River south of Moline, Ill.;

H. R. 11240. An act to extend the times for commencing and completing the construction of a bridge across the Monongahela River at Pittsburgh, Allegheny County, Pa.;

H. R. 11403. An act to amend an act entitled "An act to create a revenue in the District of Columbia by levying tax upon all dogs therein, to make such dogs personal property, and for other purposes," as amended;

H. R. 11435. An act granting the consent of Congress to the city of Rockford, Ill., to construct a bridge across the Rock

River at Broadway in the city of Rockford, Winnebago County, State of Illinois;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases;

H. R. 12131. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Kittanning, Armstrong County, Pa.; and

H. J. Res. 282. Joint resolution authorizing the appointment of an envoy extraordinary and minister plenipotentiary to the Union of South Africa.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1317. An act to amend section 108 of the Judicial Code, as amended, so as to change the time of holding court in each of the six divisions of the eastern district of the State of Texas; and to require the clerk to maintain an office in charge of himself or a deputy at Sherman, Beaumont, Texarkana, and Tyler.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 4, 1930, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, June 4, 1930, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON FLOOD CONTROL

(10.30 a. m.)

To amend the Mississippi River flood control act of May 15, 1928 (H. R. 7499, 8879, and 11548).

To establish a reservoir system of flood control (H. R. 9376).

COMMITTEE ON BANKING AND CURRENCY

(2.30 p. m.)

To authorize the Committee on Banking and Currency to investigate chain and branch banking (H. Res. 141).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Authorizing the Secretary of the Navy to accept, without cost to the Government of the United States, a lighter-than-air base near Sunnyvale, in the county of Santa Clara, State of California, and construct necessary improvements thereon (H. R. 6810).

Authorizing the Secretary of the Navy to accept a free site for a lighter-than-air base at Camp Kearny, near San Diego, Calif., and construct necessary improvements thereon (H. R. 6808).

COMMITTEE ON ELECTIONS NO. 1

(10 a. m.)

To consider the election contest between former Representative Ralph Updike and Representative Louis Ludlow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

523. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim of Dr. B. T. Williamson against the United States; to the Committee on Claims.

524. A letter from the Comptroller General of the United States, transmitting report and recommendation concerning a claim of the Seward City Mills (Inc.) for $830.82, deducted as liquidated damages for delays in completion of a contract No. 1–1–Ind–1660, dated September 7, 1928, for delivery of flour to the Indian Service; to the Committee on Claims.

525. A letter from the Comptroller General of the United States, transmitting report and recommendation to the Congress concerning the claim on behalf of the estate of Thomas Bird, deceased, amounting to $1,917.39; to the Committee on War Claims.

526. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on Pearl River, Miss. and La., covering navigation, flood control, power development, and irrigation (H. Doc. No. 445); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

527. A letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on Meherrin River, Va. and N. C., covering navigation, flood control, power development, and irrigation (H. Doc. No. 446); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAWLEY: Committee on Ways and Means. H. R. 12440. A bill providing certain exemptions from taxation for Treasury bills; without amendment (Rept. No. 1759). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. H. R. 11052. A bill to confer full rights of citizenship upon the Cherokee Indians resident in the State of North Carolina, and for other purposes; with amendment (Rept. No. 1762). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12554. A bill to extend the times for commencing and completing the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.; without amendment (Rept. No. 1763). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. S. 4577. An act to extend the times for completing the construction of a bridge across the Columbia River between Longview, Wash., and Rainier, Oreg.; with amendment (Rept. No. 1764). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 12740) relating to clerical assistance to clerks of State courts exercising naturalization jurisdiction; to the Committee on Immigration and Naturalization.

By Mr. SANDERS of Texas: A bill (H. R. 12741) to amend section 108 of the Judicial Code, as amended, so as to transfer Camp and Upshur Counties, Tex., from the Jefferson division of the eastern district of Texas to the Tyler division of said district; to the Committee on the Judiciary.

By Mr. BACHARACH: A bill (H. R. 12742) to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928; to the Committee on Ways and Means.

By Mrs. McCORMICK of Illinois: A bill (H. R. 12743) to provide a branch library building in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GRAHAM. A bill (H. R. 12744) to amend section 109 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 12745) granting an increase of pension to Mary J. Jemison; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12746) granting a pension to Nettie May Ripple; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 12747) for the reimbursement of R. H. Quynn, lieutenant, United States Navy, for loss of property by fire at the naval operating base, Hampton Roads, Va.; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 12748) granting a pension to John M. Lovelace; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 12749) granting an increase of pension to Caroline Wood; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 12750) for the relief of William Robert Gibson; to the Committee on Naval Affairs.

By Mr. GREENWOOD: A bill (H. R. 12751) granting an increase of pension to Catherine D. Carrell; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 12752) granting a pension to Montry Miller; to the Committee on Invalid Pensions.

By Mr. JONAS of North Carolina: A bill (H. R. 12753) granting a pension to Lovada Colbert; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12754) granting a pension to Cecil S. Moore; to the Committee on Pensions.

By Mr. KENDALL of Pennsylvania: A bill (H. R. 12755) granting an increase of pension to Ellen G. Esken; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 12756) granting an increase of pension to Elizabeth Jett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12757) granting an increase of pension to Nancy J. Picklesimer; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12758) granting an increase of pension to Anna C. Hudson; to the Committee on Invalid Pensions.

By Mr. HAUGEN: Resolution (H. Res. 236) to pay Elizabeth Williams, widow of John Williams, six months' compensation and an additional amount not exceeding $250 to defray funeral expenses and last illness of the said John Williams; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7443. By Mr. CRAIL: Petition of many citizens of Los Angeles County, Calif., favoring the passage of House bill 10574, affecting children's welfare; to the Committee on Education.

7444. By Mr. HUDSON: Petition of citizens of Lansing, Mich., opposing the calling of an international conference by the President of the United States or the acceptance by him of an invitation to participate in such a conference for the purpose of revising the present calendar, unless a proviso be attached thereto, definitely guaranteeing the preservation of the continuity of the weekly cycle without the insertion of blank days; to the Committee on Foreign Affairs.

7445. By Mr. LINDSAY: Petition of International Plate Printers, Die Stampers, and Engravers Union, No. 58, Brooklyn, N. Y., urging Rules Committee to order a special rule for the consideration of Senate bill 471, granting half holiday to Federal employees throughout the year; to the Committee on Rules.

SENATE

WEDNESDAY, *June 4, 1930*

(Legislative day of Thursday, May 29, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. As a quorum was not present when the Senate carried out its order for a recess, the first business will be to develop the presence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Gillett	La Follette	Shortridge
Ashurst	Glass	McCulloch	Simmons
Baird	Glenn	McKellar	Smoot
Barkley	Goff	McMaster	Steck
Bingham	Goldsborough	McNary	Steiwer
Blaine	Gould	Metcalf	Stephens
Blease	Greene	Moses	Sullivan
Borah	Hale	Norbeck	Swanson
Bratton	Harris	Norris	Thomas, Idaho
Brock	Harrison	Nye	Thomas, Okla.
Broussard	Hawes	Oddie	Townsend
Capper	Hayden	Overman	Trammell
Connally	Hebert	Patterson	Tydings
Copeland	Heflin	Phipps	Vandenberg
Couzens	Howell	Pine	Wagner
Cutting	Johnson	Ransdell	Walsh, Mont.
Deneen	Jones	Robinson, Ind.	Waterman
Fess	Kean	Robsion, Ky.	Watson
Frazier	Kendrick	Sheppard	Wheeler
George	Keyes	Shipstead	

Mr. SHEPPARD. I desire to announce that the Senator from Utah [Mr. KING], the Senator from South Carolina [Mr. SMITH], and the Senator from Florida [Mr. FLETCHER] are necessarily detained by illness.

The VICE PRESIDENT. Seventy-nine Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6) to amend the definition of oleomargarine contained in the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HAUGEN, Mr. PURNELL, and Mr. ASWELL were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 9985. An act to amend the act entitled "An act to amend the national prohibition act," approved March 2, 1929;

H. R. 10341. An act to amend section 335 of the Criminal Code;

H. R. 12056. An act providing for the waiver of trial by jury in the district courts of the United States; and

H. J. Res. 340. Joint resolution extending the time for the assessment, refund, and credit of income taxes for 1927 and 1928 in the case of married individuals having community income.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

H. R. 323. An act for the relief of Clara Thurnes;

H. R. 940. An act for the relief of James P. Hamill;

H. R. 970. An act to amend section 6 of the act of May 28, 1896;

H. R. 1186. An act to amend section 5 of the act of June 27, 1906, conferring authority upon the Secretary of the Interior to fix the size of farm units on desert-land entries when included within national reclamation projects;

H. R. 1559. An act for the relief of John T. Painter;

H. R. 12013. An act to revise and equalize the rate of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows of such soldiers, sailors, and marines, and granting pensions and increase of pensions in certain cases; and

H. J. Res. 282. Joint resolution authorizing the appointment of an envoy extraordinary and minister plenipotentiary to the Union of South Africa.

PETITIONS

The VICE PRESIDENT laid before the Senate a telegram from the Grand Committee of Hungarian Churches and Societies of Bridgeport, Conn., signed by its president and secretary, stating that to-day, June 4, 1930, is the tenth anniversary of the treaty of Trianon, which dismembered Hungary, the 1,000-year-old state of central Europe, alleging that that treaty is contrary to all ideas of peace, liberty, and democracy, and urging a revision of the treaty as imperative if peace is to be preserved and economic progress assured, which was referred to the Committee on Foreign Relations.

Mr. GLENN presented petitions signed by approximately 1,600 citizens of the State of Illinois, praying for the passage of legislation for the exemption of dogs from vivisection in the District of Columbia or in any of the Territorial or insular possessions of the United States, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1160. An act for the relief of Henry P. Biehl (Rept. No. 804);

H. R. 1194. An act to amend the naval appropriation act for the fiscal year ended June 30, 1916, relative to the appointment of pay clerks and acting pay clerks (Rept. No. 805);

H. R. 2587. An act for the relief of James P. Sloan (Rept. No. 806);

H. R. 3801. An act waiving the limiting period of two years in Executive Order No. 4576 to enable the Board of Awards of the Navy Department to consider recommendation of the award of the distinguished flying cross to members of the Alaskan Aerial Survey Expedition (Rept. No. 807);

H. R. 5213. An act for the relief of Grant R. Kelsey, alias Vincent J. Moran (Rept. No. 808);

H. R. 9370. An act to provide for the modernization of the United States Naval Observatory at Washington, D. C., and for other purposes (Rept. No. 809);

H. R. 9975. An act for the relief of John C. Warren, alias John Stevens (Rept. No. 810); and

H. R. 10662. An act providing for hospitalization and medical treatment of transferred members of the Fleet Naval Reserve and the Fleet Marine Corps Reserve in Government hospitals without expense to the reservist (Rept. No. 811).

Mr. SWANSON, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 851. An act for the relief of Richard Kirchhoff (Rept. No. 815); and

H. R. 1155. An act for the relief of Eugene A. Dubrule (Rept. No. 816).